

DL. April 13,
20 2022

F.M.A.T. 99 of 2022

Micky Metals Limited
Vs.
Jashpal Kurmi

Mr. Priyanko Saha,
Mr. Ratul Das,
Mr. Abhijit Sarkar,
...for the appellant.

This appeal has arisen out of an order dated March 3, 2022 passed by the learned Chief Judge, City Civil Court at Calcutta in connection with an application filed by the respondent under Sections 14 and 15 of the Arbitration and Conciliation Act, 1996. In the said proceeding, the lower court records meaning thereby the proceeding before the learned Arbitrator was called for by the learned Chief Judge.

We are of the prima facie view that in deciding the said application, the record of the arbitration proceeding may not be necessary. The grounds for invoking Sections 14 and 15 of the Arbitration and Conciliation Act are different from the grounds mentioned in Sections 12 and 13 of the said Act. Moreover, in the event the application under Sections 12 and 13 is allowed, the application under Sections 14 and 15 may succeed.

Under such circumstances, the direction with regard to production of lower court record is stayed. However, the learned Chief Judge may proceed with the pending application in accordance with law. In the event any paper and document before the learned Arbitrator is found necessary for disposal of the

application pending before the learned Chief Judge, the parties may be directed to supply copies of such papers and documents, even the learned Arbitrator may be requested to supply copies of such documents.

With the aforesaid observations, the appeal stands disposed of even at the admission stage.

In view of disposal of the appeal, nothing remains in the application for stay filed under CAN 1 of 2022 and the same is also disposed of.

There will be no order as to costs.

(Soumen Sen, J.)

dns

(Ajoy Kumar Mukherjee, J.)