

18.08.2022
Item No.15
Ct. No.7
CHC
(disposed of)

C.O.1420 of 2022
IA NO: CAN/1/2022
CAN/2/2022
CAN/3/2022

M/s. SMIFS LIMITED
Vs.
Sri Mayank Kumar Agarwala

Mr. Asif Hussain,
Ms. Jyoti Singh

...for the petitioner

Mr. Abhimanyu Bannerjee

...for the opposite party

Mr. Asif Hussain, learned advocate appearing for the petitioner submits that award has been kept reserved by the Arbitral Tribunal without deciding the application under Section 16 of the Arbitration and Conciliation Act filed, by the petitioner before the Arbitral Tribunal.

It is also contended by the petitioner that the Arbitral Tribunal in a haste has attempted to conclude the case by reserving the award, without touching upon the merits of the application under Section 16 of the Arbitration and Conciliation Act.

Mr. Abhimanyu Bannerjee, learned advocate representing the opposite party submits that opposite party has no objection, if the award is decided after deciding the interlocutory application filed by the

petitioner under Section 16 of the Arbitration and Conciliation Act.

That being the position, the revisional application stands disposed of directing the Arbitral Tribunal in Arbitration Matter No.NSEKRO/0065507/20-21/ISC/ARB to deliver the award, subsequent to the disposal of application under Section 16 of the Arbitration and Conciliation Act, filed by the petitioner.

While endeavouring such disposal of application under Section 16 of the Arbitration and Conciliation Act, an opportunity of hearing should be extended to both the parties, without granting any unnecessary adjournment, unless it is extremely unavoidable.

The applications being IA NO: CAN/1/2022, CAN/2/2022 and CAN/3/2022 stand also disposed of.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)