

Ct. 05
Item No.30
10.08.2022
(suvendu)

WPA 15088 of 2022

**Nuvoco Vistas Corporation Limited
Vs.
Damodar Valley Corporation & Ors.**

Mr. Mainak Bose
Mr. Rajarshi Dutta
Mr. Sourav Ray
.....for the petitioners
Mr. Swarajit Dey
Mr. Subhadeep Basak
.....for the D.V.C.

Learned counsel appearing for the petitioner submits that the petitioner has filed and moved an application under Section 9 of The Arbitration and Conciliation Act, 1996 before the Commercial Court at Rajarhat. By an order passed by the Commercial Court, presumably on 8th August, 2022, the learned Judge recorded that since the petitioner is already enjoying an interim order from the writ court in the present writ petition, it was not necessary that an interim order be passed in favour of the petitioner in the Section 9 application.

The respondents are represented.

Considering the submissions of counsel for the petitioner, nothing further remains to be decided in the writ petition and the same is dismissed as withdrawn.

However, for the sake of equity and for the petitioner to approach the Commercial Court for appropriate relief, the interim order passed by this Court on 12th July, 2022 and modified on 1st August, 2022 will continue to remain valid till 18th August, 2022. The petitioner shall be at liberty of taking appropriate steps in the meantime.

Needless to say, the Commercial Court will deal with the matter on merits without being influenced by the observations of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)