

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
(COMMERCIAL DIVISION)**

**F.M.A. 52 of 2022
With
CAN 1 of 2021**

**Shri Kajal Sarkar
Vs.
Shri Sushil Mitruka & Anr.**

**Mr. Jaydip Kar, Sr. Advocate
Mr. Anindya Lahiri
Mr. Samrat Dey Paul For the Appellant.**

**Mr. S.N. Mookherjee, Sr. Advocate
Mr. Srijib Chakraborty
Mr. Joyjit Chowdhury
Mr. Satyaki Mukherjee
Mr. Aditya Mondal For the Respondents.**

Re: CAN 1 of 2021

This appeal is admitted.

Since the point involved is very short, we propose to hear it out and dispose of it along with the connected application (CAN 1 of 2021) by this order, dispensing with all formalities.

S.D. Since the arbitral tribunal has been constituted and as an arbitral proceeding before it has commenced, we observe and direct that the arbitral tribunal will proceed to adjudicate upon the disputes between the parties without in any manner being influenced by any observation or findings made by the learned judge in the impugned judgement and order dated 4th August, 2021.

The status quo between the parties as on 20th

September, 2021 when the special leave petition (No. 12720/2021) was disposed of by the Supreme Court will continue subject to any interim or final order or award to be passed by the arbitral tribunal.

The appeal and the connected application (CAN 1 of 2021) are disposed of.

(I.P. Mukerji, J.)

(Aniruddha Roy, J.)

