

OD-1

ORDER SHEET

APOT/44/2022
WITH
AP/59/2022
IA NO:GA/1/2022

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

IN THE MATTER OF:
RAMENDRA NARAYAN THAKUR
VS.
SREI EQUIPMENT FINANCE LTD.

.....

BEFORE:

The Hon'ble JUSTICE I. P. MUKERJI

The Hon'ble JUSTICE ANIRUDDHA ROY

Date : 14th March, 2022

Mr. Gobinda Kar, Adv...for appellant.

*Mr. Satarup Banerjee, Mr. Subhankar Chakraborty,
Ms. Saptarshi Bhattacharjee, Ms. Ruchira Manna, Advs...for respondent.*

The Court : Section 9(3) of the Arbitration and Conciliation Act, 1996, after its amendment in 2016 with effect from 23rd October, 2015 reads as follows :

“S.9(3). Once the arbitral tribunal has been constituted, the court shall not entertain an application under sub-section (1), unless the court finds that circumstances exist which may not render the remedy provided under Section 17 efficacious.”

It is an admitted position that the arbitral tribunal has been constituted.

In those circumstances, we are of the view that the learned judge has rightly passed the impugned judgment and order dated 24th February, 2002 refusing to entertain the section 9 application.

We do not think it fit to admit this appeal.

The appeal and the connected application are dismissed accordingly.

(I. P. MUKERJI, J)

(ANIRUDDHA ROY , J)