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ORDER SHEET
AP/167/2022
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

JALAN INFRASTRUCTURE LLP
VS
GANNON DUNKERLEY AND CO LTD

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date: 5th July, 2022.

Appearance:

Mr. Kumar Jit Banerjee, Adv.

Ms. Sanchari Chakraborty, Adv.

Mr. Sourojit Dasgupta, Adv.

Ms. Tanishka Khandelwar, Adv.

Mr. Rishav Banerjee, Adv.

Mr. Supriyo Gole, Adv.

The Court: By an order dated 18th May, 2022 the Division Bench has passed an interim order appointing the joint Special Officers in this matter for protection of both the parties. From perusal of the order of the Division Bench it is clear that the interim order is only based on tentative findings and is a prima facie view taken by the Court. All points were left open by the Division Bench to be decided by the learned Single Bench. The Division Bench has made it clear that all points are kept open before the learned Single Judge. It now transpires

that the arbitration proceedings have commenced and one sitting of the Tribunal has already taken place.

In light of the same, I am of the view that party should agitate all their points before the learned Arbitrator by filing appropriate Section 17 applications in accordance with law. The interim order passed by the Division Bench was to continue till disposal of the Section 9 application before this Court, and accordingly, the said interim order is extended for a period of eight weeks so that the parties can file their appropriate applications before the learned Arbitrator. The interim order shall continue for a period of eight weeks or until further orders passed by the learned Arbitrator, whichever is earlier.

The Section 9 application bearing AP No. 167 of 2022 is accordingly disposed of.

I make it clear that this Court has not gone into the merits of the matter and the learned Arbitrator shall be free to adjudicate without reference to any of the orders passed by this Court.

(SHEKHAR B. SARAF, J.)

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