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ORDER SHEET
AP/179/2022
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

RANA DAS
Versus
SEACOM PROJECTS LTD.

BEFORE:
The Hon'ble JUSTICE SHEKHAR B. SARAF
Date: 21st April, 2022.

Appearance:
Mr. Kamalesh Jha, Adv.
Ms. Srabani Biswas, Adv.

Mr. Mani Sankar Chattopadhyay, Adv.

The Court: Heard counsel appearing on behalf of the parties. It appears that the respondent is developing a property wherein the petitioner was to be given a room measuring 200 sq. ft. on the ground floor of premises no.25, Bhupendra Bose Avenue, Kolkata – 700 004. A registered agreement is in place wherein the parties have agreed to a sole Arbitrator.

Counsel appearing on behalf of the respondent submits that the building is still under construction and therefore, this Section 9 application is premature in nature. Counsel appearing on behalf of the petitioner submits that there is apprehension that the room that is to be allotted to him, will be transferred to some other third party and accordingly, prays for injunction in terms of prayer (a) of the Notice of Motion.

Upon considering the facts and circumstances, I am of the view that a prima facie case is made out and order may be passed in terms of prayer (a) of the Notice of Motion. Parties have also agreed that they will submit themselves to the sole Arbitrator who has been named in the agreement.

Accordingly, parties are directed to have the arbitration initiated within a week. The petitioner shall be at liberty to file appropriate Section 17 application before the Arbitrator in accordance with law.

The interim order passed in this application shall continue for a period of six weeks or until further orders passed by the Arbitrator whichever is earlier.

I make it clear that the order passed herein shall not hamper the construction of the property in any manner.

(SHEKHAR B. SARAF, J.)