

RVWO/22/2022
WITH
AP/428/2022
IA NO.GA/1/2022

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

ARYA INFOTECH AND ORS.
VERSUS
M/S. SINGHA SINGH ROY AND ASSOCIATES PVT. LTD.

BEFORE:
THE HON'BLE CHIEF JUSTICE PRAKASH SHRIVASTAVA
DATE : 29TH JULY, 2022

APPEARANCE:

Mr. Anujit Mookherjee, Advocate
Mr. P. Banerjee, Advocate
...for the applicant
Ms. Sonal Shah, Advocate
Mr. Kushagra Shah, Advocate
Ms. Rittwika Banerjee, Advocate
....for the petitioner

The Court:- This petition has been filed seeking review of the order of this Court dated 8th July, 2022 passed in AP 428 of 2022.

Learned counsel for the review petitioners arguing the review petition has submitted that vide Annexure-E to the review petition, the petitioners were informed by the respondent about the transfer of the property in question and in view thereof, the claim did not survive and, therefore, the order passed by this Court appointing the arbitrator is required to be reviewed.

Learned counsel for the respondent has informed that the title deed was with the bank, therefore, there was no question of any transfer and that subsequently TS No.1000 of 2020 was filed by the review-petitioners themselves by taking the plea that the agreement in question subsists and will be terminated in the year 2023.

Having examined the record, it is found that at the time of hearing of AP, the only plea raised by the review-petitioners was in respect of the amount payable by the respondent. Hence, this Court had noted in the order dated 8th July, 2022 that such a dispute can be decided by the Arbitrator. Before this Court, at the time of hearing of AP, existence of the arbitration agreement or

the existing dispute between the parties was not disputed. The said Annexure-E was also not placed on record. Even otherwise, the document Annexure-E to review petition has been disputed by counsel for the respondent. This Court had decided AP/428/2022 on the basis of the record of the case and arguments of parties, therefore, at this stage, I am of the opinion, there is no error apparent on the face of the record and no case for review is made out.

Accordingly, review petition is dismissed.

Since no affidavits have been called for, therefore, the allegations made in the review application are deemed to be denied.

(PRAKASH SHRIVASTAVA, C.J.)