

OD-35
ORDER SHEET

AP 1659 of 2014
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

INDRAJIT SENGUPTA
VS.
L & T FINANCE LTD. & ANR.

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date: 10th May, 2022

Ms. Shrayashee Das, Mr. Jishnujit Roy, Advocates for
respondents.

The Court : Counsel for the respondents has handed over a copy of the order passed by the Hon'ble Interlocutory Court in GA 15 of 2015 dated 9th February, 2015 wherein it has been held that;

“Taking into consideration the scope of section 42 of the Arbitration and Conciliation Act, 1996 and the principles of law laid down by the Supreme Court in State of West Bengal and Ors. vs. Associated Contractors (supra), there cannot be even an iota of doubt that the section 34 application taken out by Indrajit Sengupta is not maintainable before this Court. The section 34 application ought to be filed where the section 9 application was initially moved. As such, this application filed by L & T Finance Limited is allowed in terms of prayer (a), however, with liberty to Indrajit Sengupta to take out a fresh

application for setting aside of the award before the Bombay High Court, in accordance with law.”

In view of the above, nothing remains in the instant application. The AP No.1659 of 2014 is disposed of.

(KRISHNA RAO J.)