

23.11.2023
SSS (18)

FMAT 356 of 2023
IRCTC LTD.
-versus-
M/s. Krishna Enterprises
With
CAN 1 of 2023

Mr. Akash Dutta
.....For the appellant.

Mr. Priyankar Saha,
Ms. Srijani Mukherjee,
Mr. Lalratan Mandal
.....For the respondents.

This appeal and the connected application were heard out, dispensing with all formalities. We are not minded to interfere with the impugned judgment and order of the learned court below for the simple reason that it is an ex-parte ad-interim order and in the absence of an affidavit, there is not enough material for this court to assess the correctness of exercise of discretion by the learned judge of the court below.

We are also informed by learned counsel that today, in an application under Section 11 of the Arbitration and Conciliation Act, 1996, this court has appointed an arbitrator.

Considering all the above circumstances, we dispose of this appeal with a direction upon the learned court below to hear out and dispose of the application

under Section 9 of the Arbitration and Conciliation Act, 1996 within three months from date.

The parties are also directed to activate the arbitral process so that the arbitral award can be made and published as soon as possible. All points are kept open before the court below.

The appeal and the connected application are disposed of.

(I.P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)