

S/L 5
14.8.2023
Court No.26
SD

WPA 18714 of 2015
With
CAN 1 of 2016
(Old CAN 2597 of 2016)
[Application not in the file]

Sadhan Kumar Ghosh
Vs.
State of West Bengal & Ors.

Mr. Ritzu Ghoshal
Mr. Anirban Ghosh

...for the Petitioner.

Mr. Samrat Sen
Ms. Manali Ali

...for the State.

Heard counsel appearing on behalf of the parties.

Counsel appearing on behalf of the petitioner has submitted that there is a claim with respect to work order that has not been paid by the respondent authorities. Accordingly, this writ petition was filed by the petitioner.

Per contra, counsel appearing on behalf of the respondents has submitted that there is an arbitration clause in the terms and conditions of the work order and accordingly, the matter is required to go before an arbitral tribunal.

Upon perusal of the records and after hearing counsel appearing on behalf of the parties, I am of the view that the particular dispute should be adjudged before the arbitral tribunal.

Keeping in view that this matter has been pending before the High Court since 2015, this Court dismisses this writ petition with liberty given to the petitioner to move for

arbitration in accordance with law. In my view, the benefit of Section 14 of the Limitation Act should be given to the petitioner and accordingly, the petitioner is directed to issue Section 21 notice within a period of two weeks from date and proceed thereafter in accordance with law.

In light of the above observations and directions, WPA 18714 of 2015 along with connected application is dismissed with liberty given above.

There will be no order as to costs.

All parties are to act on the website copy of this order.

(Shekhar B. Saraf, J.)