

OCD-38

ORDER SHEET
AP/40/2023
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
(Commercial Division)

SPML INFRA LIMITED
VS
SKIPPERSEIL LIMITED

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 19th June, 2023

Appearance:

Mr. Anirban Ray, Adv.

Mr. S. Sen, Adv.

Mr. A. Banerjee, Adv.

Mr. Ranjan Bachawat, Sr. Adv.

Mr. S. Mukherjee, Adv.

Mr. R. Venket Kundalia, Adv.

Mr. Dheeraj Kumar Gupta, Adv.

The Court: Learned Counsel appearing for the petitioner as well as the respondent submits that an arbitral tribunal has been constituted since the last order passed by the Court on 13th June, 2023.

Section 9(3) of the 1996 Act requires the Court not to entertain any application under Section 9 after constitution of an arbitral tribunal.

Hence, AP/40/2023, which is the application for interim relief in which the petitioner has already obtained the interim orders, as well as the application filed by the respondents for vacating the interim orders shall be referred to the learned arbitrator.

Since learned Counsel appearing for the petitioner submits that the application for vacating was dismissed for default, the above direction will be subject to any application which is existing as on date.

It is also made clear that the arbitrator shall proceed with the application without being influenced by any observation which may hitherto have been made in the matter.

AP No.40 of 2023 along with all connected applications are disposed of.

(MOUSHUMI BHATTACHARYA, J.)

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