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IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
COMMERCIAL DIVISION
ORIGINAL SIDE
APOT 22 of 2023
AP 809 of 2022
IA GA 1 of 2023

GLOCAL HEALTHCARE SYSTEMS PRIVATE LIMITED
VERSUS
UPHEALTH HOLDING INC AND ORS.
WITH
APOT 27 of 2023
IA GA 1 of 2023

DR. SYED SABAHAT AZIM AND ORS.
VERSUS
UPHEALTH HOLDING INC AND ANR.

BEFORE:

The Hon'ble JUSTICE SOUMEN SEN
The Hon'ble JUSTICE UDAY KUMAR
Date : 26th June, 2023.

APPEARANCE:

Mr. Jishnu Saha, Sr. Adv.
Mr. Dipendra Nath Chunder, Adv.
Ms. Sonali Ghosh Panda, Adv.
...for appellant in APOT 22 of 2023.

Mr. Joy Saha, Sr. Adv.
Mr. Siddhartha Banerjee, Adv.
Mr. Debashis Karmakar, Adv.
Mr. S. Ojha, Adv.
Mr. Ishaan Saha, Adv.
Mr. P. Lalkhtia, Adv.
...for appellant in APOT 27 of 2023.

Mr. Jishnu Saha, Sr. Adv.
Mr. D.N. Chunder, Adv.
...for respondent no. 2 in APOT 23 of 2023.

Mr. Ratnanko Banerji, Sr. Adv.
Mr. Suddhasatva Banerjee, Adv.

Mr. Anand S. Pathak,Adv.
Mr. Amit K. Mishra,Adv.
Mr. Vijay Purohit,Adv.
Mr. Shivam Pandey,Adv.
Mr. Anujit Mookherji,Adv.
Mr. Aniruddha Dutta,Adv.
Ms. D. Misra,Adv.
Mr. N. Dhawan,Adv.
Mr. N. Choudhury,Adv.
...for respondent.

The Court : - In view of the fact that the hearing of the application under Section 9 of the Arbitration and Conciliation Act, 1996 has been concluded and is reserved for judgment and also having regard to the fact that in the said proceeding the appellants herein have raised the jurisdictional issue which is also being raised in this appeal, we feel that in the fitness of thing the application under Section 9 is required to be decided first. The question of jurisdiction in this appeal is also the subject matter in the pending proceeding. In view of the fact that hearing is concluded, we are not inclined to go into the question of jurisdiction in this appeal. However, the respondent shall not proceed with the contempt application till the disposal of the Section 9 application. Both the appeal and the application are dismissed. We make it clear that we have not gone into the merits of this matter.

(SOUMEN SEN, J.)

(UDAY KUMAR, J.)