

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

APO/43/2023
with
AP/539/2022
IA No.GA/1/2023

SONATAN NASKAR
VERSUS
MAHINDRA AND MAHINDRA FINANCIAL SERVICES LIMITED

BEFORE:
The Hon'ble JUSTICE SOUMEN SEN
AND
The Hon'ble JUSTICE UDAY KUMAR
Date : 30th June, 2023.

Appearance:
Mr. Shyamal Chakraborty, Adv.
Mr. Jayanta Kumar Dhar, Adv.
Mr. Debajyoti Mondal, Adv.
...for the appellant.

Mr. Sariful Haque, Adv.
Mr. S. Bhattacharya, Adv.
...for the respondent.

The Court : The interim application was filed presumably before the award was served upon the petitioner. Learned counsel for the appellant submits that when the application was filed under Section 9 of the Arbitration & Conciliation Act, 1996, no copy of the award was served upon the petitioner. Now that an award has been passed, no order can be passed in this application unless the award is under challenge. In the event an application for setting aside of the award is filed within the period of limitation, the petitioner shall be entitled to pray

for the interim reliefs claimed before the learned Single Judge in the application under Section 9 of the Arbitration & Conciliation Act, 1996.

The appeal being APO/43/2023 and the application being IA No.GA/1/2023, accordingly, stand disposed of. However, there shall be no order as to costs.

[SOUMEN SEN, J.]

[UDAY KUMAR, J.]