

OCD-14

ORDER SHEET

AP/191/2023

IN THE HIGH COURT AT CALCUTTA  
Ordinary Original Civil Jurisdiction  
ORIGINAL SIDE  
(Commercial Division)

SADHAN MANDAL  
Versus  
SREI EQUIPMENT FINANCE LIMITED

BEFORE:  
The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA  
Date : 15<sup>th</sup> June, 2023.

Appearance:  
*Mr. Priyankar Saha, Adv.*  
*Mr. Lalratan Mondal, Adv.*  
*...for the petitioner*

*Mr. Arik Banerjee, Adv.*  
*Mr. Rajib Mullick, Adv.*  
*Ms. Sonia Mukherjee, Adv.*  
*...for the respondent*

The Court: Learned counsel appearing for the award-debtor, who has filed an application for setting aside of the Award under Section 34 of the Act, submits that the application has become infructuous in view of a judgment passed by a learned single Judge of this Court in the execution application of the award-holder. The judgment and order is dated 11<sup>th</sup> April, 2023 and the learned Judge has disposed of the execution case by giving liberty to the parties to re-agitate their claims/counter-claims in a properly constituted arbitration proceedings.

Although learned counsel appearing for the award-holder seeks for appointment of an arbitrator by consent of the parties, this Court is of the view that the parties will have to consider whether the necessary steps under the Act would precede an appointment in the facts of the present case.

AP/191/2023 is, accordingly, dismissed as having become infructuous.

(MOUSHUMI BHATTACHARYA, J.)