

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

AP/544/2019

AVINASH RAJ CONSTRUCTIONS PRIVATE LIMITED
VS
M/S. NBCC (INDIA) LIMITED

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 5th September, 2023.

Appearance:
Mr. Devjyoti Barman, Adv.
Ms. Sanjukta Basu Mallick, Adv.

The Court: This is an application challenging the mandate of the Arbitrator. The application was filed as far back as on 2019. It is submitted by the petitioners that subsequent to the filing of this application, the Arbitral Tribunal has passed an award dated 29th August, 2019 which is the subject matter of challenge in an application under section 34 of the Arbitration and Conciliation Act, 1996. The question of jurisdiction of the Arbitrator has also been raised in such application.

In view of the subsequent events which have transpired after the filing of this application, nothing survives in this application. The petitioner is not only unprepared but is also taking inconsistent positions before different fora for oblique reasons.

AP/544/2019 stands dismissed as infructuous.

Liberty is granted to the petitioner to agitate all points in accordance with law in the pending challenge under section 34 of the Act.

(RAVI KRISHAN KAPUR, J.)