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IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

AP/539/2022

SONATAN NASKAR
VS
MAHINDRA AND MAHINDRA FINANCIAL SERVICES LTD.

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 2nd February, 2023.

Appearance:
Mr. S. Chakraborty, Adv.
Mr. J.K. Dhar, Adv.
...for the petitioner

Mr. Steven S. Biswas, Adv.
...for the respondent

The Court :- This is an application under section 9 of the Arbitration and Conciliation Act, 1996.

The disputes between the parties arise out of an agreement dated 13 June 2019 for finance of a commercial vehicle.

Admittedly, the arbitral reference is pending before the Sole Arbitrator.

It is submitted on behalf of the respondent finance company that a sum in excess of Rs. 17,00,000/- is due and payable by the respondent.

On behalf of the petitioner, it is submitted that the vehicle had been wrongfully and unauthorized seized and sold by the respondent finance company.

In view of the fact that the arbitral reference is pending before the Sole Arbitrator and the embargo under section 9 (3) of the Arbitration and Conciliation

Act, 1996, there are no circumstances which warrant this Court in interfering in the matter at this stage.

Liberty is granted to the petitioner to raise all the grievances in accordance with law before the Sole Arbitrator.

It is expected that the Sole Arbitrator would expeditiously dispose of the arbitral reference and redress the grievance of the petitioner.

With the aforesaid directions, AP/539/2022 stands dismissed.

(RAVI KRISHAN KAPUR, J.)

TO