

ORDER SHEET

AP/636/2023

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

SREI EQUIPMENT FINANCE LTD.
VS
THE KARUR VYSYA BANK

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 4th October, 2023.

Appearance:

Mr. Swatarup Banerjee, Adv.

Mr. Sariful Haque, Adv.

Mr. Rajib Mullick, Adv.

Ms. Sonia Mukherjee, Adv.

Mr. Biswaroop Ghosh, Adv.

...for the petitioner

Ms. Sweta Gandhi, Adv.

...for the respondent

The Court: Learned counsel appearing for the parties submit that the subject-matter of the present dispute was adjudicated upon and decided by a judgment delivered by this Court on 9th August, 2023 in four arbitration petitions involving the same issue.

The petitioner prays for similar orders as were before the Court in the judgment dated 9th August, 2023. The prayer is for a restraint on the respondent from transferring or dealing with the amount in the escrow account in the respondent bank bearing the account number stated in prayer (b) of the application. The respondent had objected to the application on the ground that the applications were not maintainable since the petitioner had already

invoked the arbitration clauses by way of Notices issued under Section 21 of the 1996 Act. The Court had dealt with such objections and had decided in favour of the petitioner. The arbitration petitions were allowed on the ground that it was necessary to preserve the subject-matter of the disputes until the arbitral tribunal is constituted. The arbitration petitions had been disposed of by directing the respondent bank not to transfer or deal with the amounts in the escrow accounts bearing the particular numbers till formation of the arbitral tribunal or until the parties approach the tribunal under Section 17 of the 1996 Act.

The facts in the present application are identical to those which were presented to the Court in the connected matters. The Court is informed that the respondent has not challenged the judgment dated 9th August, 2023.

Hence, AP/636/2023 is allowed and disposed of by an order of injunction restraining the respondent from transferring any amount from the escrow account bearing no. 2105107000000140 in the Karur Vysya Bank till constitution of the arbitral tribunal which shall be within 60 days from today or until the parties are in a position to approach the tribunal under Section 17 of the Act.

(MOUSHUMI BHATTACHARYA, J.)