

IN THE HIGH COURT AT CALCUTTA
In appeal from its
ORIGINAL JURISDICTION
CIVIL APPELLATE JURISDICTION
[Commercial Division]

IA NO: GA / 1/2023
In
APOT No. 349 of 2023
with
EC / 15 / 2023
RADHA KRISHNA CONSTRUCTION AND ORS.
Versus
SREI EQUIPMENT FINANCE LIMITED

Before:

The Hon'ble Justice I. P. MUKERJI

And

The Hon'ble Justice BISWAROOP CHOWDHURY

Date: 4th October, 2023

Appearance:

Mr. Nilanjan Bhattacharjee, Adv.

Mr. Abhishek Gupta, Adv.

Mr. Abhilash Chatterjee, Adv.

Ms. Bristi Chaudhury, Advocate
for the appellants

Mr. Swatarup Banerjee, Advocate

Mr. Sariful Haque, Advocate

Mr. Rajib Mulick, Advocate

Ms. Sonia Mukherjee, Advocate
for the respondent

The Court: We refer to our order made yesterday (3rd October, 2023).

This appeal is premature.

The learned single judge in the impugned order has simply adjourned the application of the appellants-petitioners alleging that the arbitral tribunal was not properly constituted and that the award was not received by him.

Learned counsel for the appellants-petitioners submits today that the said application ought to have been heard out first before execution proceedings are entertained by the learned single judge.

There is nothing on record that these points were even urged before her ladyship.

This appeal is against an order of adjournment. Such an appeal does not lie.

The appeal and the connected application are disposed of, dispensing with all formalities, with the observation that all arguments which are sought to be made before us may be made before the learned single judge.

All points are kept open.

(I. P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)

CS.