

OD-10 & 11

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

AP/656/2022

LEONINE ESTATES PVT LTD AND ORS
VS
RITMAN INFRA LTD AND ORS
&

AP/491/2021

LEONINE ESTATES PVT LTD AND ORS
VS
RITMAN INFRA LTD AND ORS

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 20th June, 2023.

Appearance:

Mr. Joy Saha, Sr. Adv.
Mr. Srijib Chakraborty, Adv.
Mr. Bimalendu Das, Adv.
Mr. Aditya Mondal, Adv.
...for the petitioner

Mr. Utpal Bose, Sr. Adv.
Mr. Manik Das, Adv.
Mr. Aniruddha Sinha, Adv.
...for the respondents

Re:AP/656/2022

The Court: Two applications are presently pending before this Court; one is an application for stay of the Award dated 16th October, 2017 and the other is for setting aside of the same Award.

Affidavits are complete in both the applications.

Learned counsel appearing for the award-holder submits that the Section 34 application may be heard by the Court and that the respondent will not take any steps for execution of the Award until the Section 34 application is decided.

The application for stay of the Award under Section 36(2) of the Act is disposed of on the basis that the Court will proceed to hear and decide the Section 34 application.

AP/656/2022 is, accordingly, disposed of on that basis.

Re:AP/491/2021

Learned counsel appearing for the petitioners has placed a brief factual outline of the matter. According to counsel, the impugned Award is vitiated by being against the public policy of India. Counsel further submits that the impugned Award is also liable to be set aside for reasons of incapacity of the Arbitrator and for the petitioner (respondent in the arbitration) not being given an opportunity to present their case.

List this matter on 27th June, 2023.

(MOUSHUMI BHATTACHARYA, J.)