

13.03.2024
Sl. No.12(DL)
srm

C.O. No. 664 of 2024

Tata Capital Limited

Versus

Binoy Enterprises

Mr. Avishek Guha,
Ms. Akansha Chopra

...for the Petitioner.

The petitioner is a financial company, who prays for expeditious disposal of the application filed under Sections 5 and 8 of the Arbitration and Conciliation Act, 1996. The said application has been filed in connection with Title Suit No.1848 of 2022. The said application is pending before the learned Judge, 12th Bench, City Civil Court at Calcutta.

It is submitted that the application is pending since November 5, 2022. It is further submitted that written objection to the said application has also been filed.

Considering the submission, this Court is of the view that the prayer of the petitioner, for early disposal of the proceeding, is innocuous. Neither party stands to lose if a proceeding is disposed of expeditiously. In fact, such expeditious disposal shall enure to the benefit of the parties. Hence, there is no requirement for service of prior notice upon the opposite party.

Under such circumstances, the revisional application is disposed of, with a direction upon the learned court to dispose of the application, within a period of one month from the next date fixed, independently and strictly in accordance with law, upon allowing the parties to contest the proceeding. Unnecessary adjournments shall not be granted to any of the parties.

This Court has not gone into the merits of the application.

A copy of the revisional application along with a server copy of this order be served upon the opposite party within a week.

The revisional application is, thus, disposed of.

There will be, however, no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)