

9.09.2024

**ASR
5.**

FMAT (ARBAWARD)/23 of 2024

With

CAN 1 of 2024

With

CAN 2 of 2024

Mrs. Sangita Bose & Anr.

-versus-

**IIFL Home Finance Ltd. (IIFL H
FL)**

Mrs. Arunima Lala

Mr. Ranjit Singh

Mr. Ratul Banerjee

.....for the appellants

Re: CAN 1 of 2024 (Section 5)

Although, the appellant is not represented by learned counsel, we condone the marginal delay in filing the appeal.

The application (CAN 1 of 2024) under Section 5 of the Limitation Act, 1963 is allowed.

The department is directed to register the appeal.

None appears for the appellants.

No accommodation is sought.

The appeal FMAT (ARBAWARD) 23 of 2024 is dismissed for default.

The Application (CAN 2 of 2024) is also dismissed for default.

In another case, we would have given another chance to the appellants to appear. But here Mrs. Lala,

learned counsel appearing for the appellants has been very fair to submit that the impugned order under Section 9 of the Arbitration and Conciliation Act, 1996 is discharged by the failure on the part of her client to commence arbitration according to sections 9(2) and 21 of the said Act read with the stipulation in the impugned judgement and order dated 1st March, 2024, that if no such steps were taken within 90 days of the said order the impugned order would stand automatically vacated.

Hence, the subject matter of the appeal does not survive.

We accept the above submission of learned counsel and justify our disposal of the appeal in the above manner.

(I. P. Mukerji,J.)

(Partha Sarathi Sen,J)