

01-08-2024
Item no.3 CD
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
(Commercial Division)

TRP(COMM) No.2 of 2024
Precision Metal Industries

-VS-

Airport Authority of India (International Airport Division)

Mr. Meghnad Dutta
Mr. Subhankar Chakraborty
Mr. Saptarshi Bhattacharjee
Ms. Ruchira Manna ...for the appellant

Mr. Dipankar Das ...for the respondent

The petitioner made an application before the learned court below for transfer of an application under section 34 of the Arbitration and Conciliation Act, 1996 to the commercial court. It was not adjudicated upon and is pending for a length of time.

In those circumstances, this application has been made by the petitioner before us under section 15 of the Commercial Courts Act, 2015 to expedite the process of consideration of the said transfer.

Mr Meghnad Dutta, learned advocate for the petitioner, submits that on legal advice his client has now realized that the matter cannot be classified as commercial as the value of the subject matter is below the minimum limit.

We accept such contention.

We dispose of this application by directing the learned court below to ignore the application for transfer by recording that it is withdrawn and continue to retain the section 34 application in its records.

Since the section 34 application has been pending for about 27 years, we request the learned court below to dispose of it as expeditiously as possible on a day-to-day basis, preferably not later than three months from the date of communication of this order.

The application is thus disposed of.

[I.P. Mukerji, J]

[Biswaroop Chowdhury, J]