

04
27.09.2024
KC

WPA 21948 of 2024

Anvar Hussain
Vs.
The State of West Bengal & Ors.

Mr. Mohinoor Rahaman
Ms. Maria Rahaman
... for the petitioner.

Ms. Anna Malhotra
Mr. Rishav Maity
... for the respondent no. 2.

Ms. Sabnam De Bardhan
Ms. Tuli Sinha
... for the State.

Affidavit of service filed in Court is taken on
record.

Report dated September 9, 2024 filed by the
learned advocate for the State in Court is taken on record.

The petitioner alleges that the financier, who is
the 2nd respondent, forcibly took over possession of the
vehicle of the petitioner with the help of 'muscleman' on
August 16, 2024.

The learned advocate for the petitioner submits
that the petitioner duly paid the Equated Monthly Installment
(EMI) till the month of July, 2024. However, for certain
financial constraint the petitioner could not pay the

installment for the month of August, 2024 within the stipulated time limit.

The learned advocate for the respondent submits that the possession of the vehicle was taken pursuant to an arbitration award.

Learned advocate for the petitioner submits that no notice of any arbitration proceeding was served upon him. The copy of the arbitration award has also not been served upon the petitioner by the Arbitrator.

Learned advocate for the second respondent submits that the arbitration award was sent through speed post at the address of the petitioner and the same has been duly served upon the petitioner.

Learned advocate for the petitioner, however, disputes such submission of the learned advocate for the second respondent.

Since the award has been passed, the petitioner has to take recourses available under the provisions of the Arbitration and Conciliation Act, 1996.

In view thereof, this Court is not inclined to grant any relief to the petitioner.

With the above observations, the writ petition

stands disposed of.

It is recorded that pursuant to a direction of this Court, a photocopy of an Arbitration Award has been served upon the learned advocate for the petitioner in Court today.

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

(Hiranmay Bhattacharyya, J.)