

21.05.2024  
Ct. No. 19  
Sl. No.28  
Cp

C.O. No. 3671 of 2023

J.C. Properties Pvt. Ltd.  
Vs.  
Diamond Tannery & Co. & ors.

Mr. Samrat Chowdhury  
Ms. Paroma Sengupta

... for the petitioner.

The revisional application is not maintainable as an order of dismissal of an application under Section 8 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as “the said Act”), is under challenge. The petitioner submits that the order by which the application under Section 151 of the Code of Civil Procedure was turned down, has been challenged. In my view, entertaining the revisional application would amount to deciding the propriety of an order of rejection of the application under Section 8 of the said Act.

Learned advocate for the petitioner submits that as the application under Section 8 of the said Act was rejected on a technical ground, i.e., non-production of the original agreement, the application under Section 151 of the Code of Civil Procedure was filed requesting the court to invoke its inherent power, by recalling the order and hearing the same afresh, upon accepting the original application.

It is well-settled that the said Act is a complete Code and applications under Article 227 of the Constitution of India should not be entertained.

The petitioner is at liberty to challenge the order by filing an appeal before the appropriate forum, in accordance with law.

Liberty is granted to take back the certified copy of the order impugned, upon furnishing the photocopy of the same.

The revisional application is accordingly dismissed.

There shall be no order as to costs.

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

**(Shampa Sarkar, J.)**