

01-03-2024
Item no.1 CD
Subrata
Bhattacharyya
AR(C)

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

FMAT No.541 of 2023
Bhoomidata Promoters Pvt. Ltd.

-VS-

Eden Realty Ventures Private Limited
with
CAN No.1 of 2023

Mr. Abhrajit Mitra, sr. adv.
Mr. Jishnu Chowdhury, adv.
Mr. S. Sinha, adv. ...for the appellant

Mr. Surajit Nath Mitra, sr. adv.
Mr. Rajarshi Dutta, adv.
Mr. Deepak Kumar Jain, adv....for the respondent

After hearing learned senior advocates for the parties, we are in a position to dispose of the appeal itself dispensing with all formalities.

We are told the arbitral tribunal has been constituted and it has proposed to hold its first sitting on 1st March 2024.

In that view of the matter, leave is granted to the appellant-petitioner to present the appeal before us today as an application under section 17 of the Arbitration and Conciliation Act, 1996 before the learned tribunal.

We make it clear that we have not gone into the merits of the matter and keep all points open before the learned tribunal.

Till any further direction that is passed by the arbitral tribunal, the order of the division bench dated 5th December 2023 passed in the present appeal will be

deemed to be operative. The impugned order of the learned court below is deemed to have been modified to this extent only.

With the above directions, the appeal and the connected application – FMAT No.541 of 2023 with CAN No.1 of 2023 – are disposed of.

Since no affidavit-in-opposition is invited, the allegations contained in the application are deemed not to have been admitted by the respondent.

[I.P. Mukerji, J]

[Biswaroop Chowdhury, J]