

OD-14

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

AP/34/2024

PRAKASH CHANDRA GUPTA
VS
TATA CAPITAL FINANCIAL SERVICES LIMITED

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 22nd February, 2024

Appearance:

Mr. Ishaan Saha, Adv.

Mr. Tanish Generiwala, Adv.

Ms. Sananda Ganguli, Adv.

..for the petitioner

The Court:- Learned counsel appearing for the petitioner seeks leave to take appropriate steps for transfer of the application to the Commercial Division of this Court. Such leave is granted. Counsel, in any case, submits that the dispute is a commercial dispute as defined under Section 2(1)(c)(i) of The Commercial Courts Act, 2015 and the claim is in excess of Rs.16 lakhs.

Counsel is accordingly given leave to withdraw AP/34/2024, which is accordingly dismissed as withdrawn. Counsel also seeks an order for condonation of delay on the ground that the petitioner is covered under Section 34(3) of the 1996 Act and read with the proviso.

It appears that the impugned Award is dated 29th September, 2023 and was received by the award-debtor on 13th October, 2023. The award-debtor filed the present application on 8th February, 2024. The three months under Section 34(3) would come to 12th January, 2024 and another 30 days would be 11th February, 2024. Hence the petitioner is in the nick of time, more precisely, three days short of the statutory time period.

Since the petitioner has been given leave to take appropriate steps for transfer of the AP to the Commercial Division, the further period for the purpose of limitation is also condoned.

This condonation is subject to the petitioner filing the AP in the Commercial Division by 1st March, 2024.

(MOUSHUMI BHATTACHARYA, J.)