

OCD-14

ORDER SHEET

AP-COM/410/2024
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
(COMMERCIAL DIVISION)
ORIGINAL SIDE

M/S MICKY METALS LIMITED
VS.
UTTAM BISWAS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 11th November, 2024.

Appearance:

Mr. Mr. Debraj Sahu, Adv.

Mr. Bhaskar Dwivedi, Adv.

Mr. Hareram Singh, Adv.

Ms. Swagata Ghosh, Adv.

...for the Petitioner

The Court :Despite service, none appears on behalf of the respondent.
Affidavit of service is taken on record.

This application under Section 9 of the Arbitration and Conciliation Act, 1996 has been filed for an injunction restraining the respondent from operating the bank account being No. 5480011001480 maintained with the Bangiya Gramin Vikash Bank. The petitioner submits that the dispute arises out of a settlement executed between the parties on January 15, 2021. The settlement contains an arbitration clause. It provides that all disputes and differences relating to any previous, present or future and arising out of the transactions, sale or purchase etc. shall be decided by a sole arbitrator under the Arbitration and Conciliation Act, 1996. The

petitioner submits that pursuant to such settlement, a cheque for an amount of Rs.11,84,856/- dated June 12, 2021 was issued in favour of the petitioner by the respondent. The cheque was dishonoured and the petitioner has already initiated proceedings under Section 138 of the Negotiable Instruments Act, 1881.

The petitioner has already availed of a proper legal remedy for redressal of his grievance, with regard to the alleged bouncing of cheque. The jurisdictional Court can pass necessary orders in respect thereof. Under such circumstances, further injunction is not necessary at this stage i.e. after more than three years from the dishonour of the cheque. The petitioner submits that a notice under Section 21 of the Arbitration and Conciliation Act has been issued. The reliefs prayed for in this application are refused at this stage. The petitioner may avail of appropriate remedy before the appropriate forum at the relevant stage and pray for the interim reliefs made in this application.

Accordingly, the petition is disposed of.

(SHAMPA SARKAR, J.)