

ORDER SHEET

AP-COM/488/2024

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
(Commercial Division)

M/S. KOTAK MAHINDRA BANK LTD.
VS
M/S. SOLARTOWN ENERGY SOLUTIONS PVT. LTD. AND ORS.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 7th October, 2024.

Appearance:

Mr. Prantik Garai, Adv.

Mr. Ayan Dutta, Adv.

Ms. Ankita Singh, Adv.

...for the petitioner

The Court: Learned counsel for the petitioner submits that after the passing of an interim order in connection with the present application under Section 9 of the Arbitration and Conciliation Act, 1996 on August 5, 2024, this Court has appointed an Arbitrator on August 7, 2024 for resolving the dispute between the parties.

Learned counsel seeks liberty to pray for the other reliefs, which were not granted at the ad interim stage in connection with the Section 9 application, before the learned Arbitrator as and when the proceedings commence before the Arbitrator. Learned counsel further seeks the interim order made on August 5, 2024 to be made absolute.

Despite service, none appears for the respondents. The affidavit-of-service filed today be kept on record.

Upon perusal of the materials before this Court, this Court is satisfied that the petitioner is entitled to an extension of the ad interim order passed on August 5, 2024, having made out a strong prima facie case and satisfying the requirements of balance of convenience and inconvenience, irreparable injury and urgency in that regard.

Accordingly, AP-COM 488 of 2024 is disposed of by extending the interim order dated August 5, 2024 to the effect that the respondent no.3 and his men and agents or any person claiming under him are restrained from directly or indirectly dealing with, selling, offering for sale, causing it to be offered for sale, transferring, causing to be transferred, parting with possession of, delivering, creating or causing to be created any third party rights in respect of his personal asset situated No.10/6, Jagathambal Colony, 2nd Street, Royapettah, Chennai – 600014. Mylapore Village, Mylapore SRO until further orders, subject to any order passed in that regard by the learned Arbitrator. It is made clear that it will be open to the learned Arbitrator to decide on the present component of the order granted in favour of the petitioner as well while taking up any interim application under Section 17 of the 1996 Act made by the petitioner and the present order shall be subject to any modification and/or alteration by the learned Arbitrator, if the latter deems so fit.

That apart, it will be open to the petitioner to pray for all other interim reliefs as sought in the Section 9 application and/or any other interim relief before the learned Arbitrator. If so made, the learned Arbitrator shall decide

the same in accordance with law without being influenced in any manner by any of the observations made in connection with the present proceeding under Section 9 of the 1996 Act.

(SABYASACHI BHATTACHARYYA, J.)

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