

ODC-11

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
[Commercial Division]

AP-COM/773/2024

POONAWALLA FINCORP LTD
VS
ANAND JHAWAR

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 9th September, 2024

Appearance:
Mr. Rohit Banerjee, Adv.
Mr. K.K. Pandey, Adv.
Mr. Gyan Prakash, Adv.
...for petitioner.

The Court:- It transpires, upon hearing learned Counsel for the petitioner and going through the averments in the present application under Section 9 of the Arbitration and Conciliation Act, 1996, that even prior to filing the present application, an Arbitral tribunal has been constituted between the parties and the said tribunal is proceeding with the arbitration.

As such, the present application is barred by Section 9 (3) of the 1996 Act.

Accordingly, AP-COM/773/2024 is dismissed as not maintainable, with liberty to the petitioner to make the self-same prayers as in the present application in an appropriately constituted application before the arbitral tribunal.

No order as to costs.

Urgent certified server copies, if applied for, be issued to the parties upon compliance of due formalities.

(SABYASACHI BHATTACHARYYA, J.)

SK.