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

AP/512/2023

TATA CAPITAL FINANCIAL SERVICES LIMITED
VS
KAMALAKANTA DEEP AND ANR.

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 29th April, 2024.

Appearance:
Mr. Arif Ali, Adv.
Ms. Ankita Singh, Adv.
...for petitioner.

The Court: This is an application under Section 9 of the Arbitration and Conciliation Act, 1996.

The application was filed as far back as on 1 August, 2023.

The disputes between the parties arise out of a Loan cum Hypothecation Agreement dated 31 May, 2022.

During the interregnum, the matter has been heard on different occasions.

Admittedly, the petitioner has taken no steps whatsoever for appointment of an Arbitrator. Upon filing of an application under section 9 of the Act, it is implicit that the petitioner would take necessary steps for appointment of an Arbitrator. There is no intention nor diligence in proceeding with arbitration.

In such circumstances, AP/512/2023 stands dismissed.

Interim orders, if any, stand vacated.

(RAVI KRISHAN KAPUR, J.)

SK.