

OCD-8

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

AP-COM/944/2024

EASTERN NAVIGATION PRIVATE LIMITED
VS
M/S ADITYA MARINES

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 17th December , 2024

Appearance:

Mr. Anuj Singh, Adv.

Mr. Aman Agarwal, Adv.

Mrs. Rashmi Singhee, Adv.

...for petitioner.

Mr. Subhabrata Datta, Adv.

Mr. Debashis Sarkar, Adv.

...for respondent.

The Court:- This is an application under Section 9 of the Arbitration and Conciliation Act, 1996 seeking an injunction and/or interim order for protection of the dues which the respondent owes to the petitioner. Mr. Dutta, learned Advocate for the respondent submits that the respondent has a counter claim against the petitioner and the petitioner's claim is not tenable in law. Moreover payments had also been made. Without any specific pleading that the respondent was trying to deprive the petitioner from the dues by siphoning off the funds which were lying in the bank account of the respondent, a blanket injunction cannot be passed.

Having considered the rival contention of the parties, this Court is of the, prima facie, view that a protection must be given to the petitioner, but such protection should be balanced. The protection should not cause unjust

injury to the respondent. In such context, if the bank accounts are attached or frozen, the respondent would not be able to carry on the business.

Under such circumstances and balancing the convenience and inconvenience of the parties, this Court deems it fit to injunct the respondent from creating any third party interest or encumbering and/or alienating the assets of the partnership business for a period of two months and/or until further orders that may be passed by the learned Arbitrator who has also been appointed by this Court, whichever is earlier.

The petitioner will be at liberty to pray for interim orders before the learned Arbitrator. All questions are left open to be urged before the learned Arbitrator.

Affidavit of service is taken on record.

Accordingly, AP-COM/944/2024 stands disposed of.

(SHAMPA SARKAR, J.)

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