

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

APO/146/2023
WITH
AP/139/2023

IDFC FIRST BANK LTD.
VS
CHOWDHURY TRAVELS AND OTHERS

BEFORE:

The Hon'ble JUSTICE SOUMEN SEN

AND

The Hon'ble JUSTICE BISWAROOP CHOWDHURY

Date : 6th December, 2024.

Appearance:

Mr. Aritra Basu, Adv.

Ms. Pooja Sett, Adv.

Mr. Pranit Biswas, Adv.

...for the appellant

Ms. Gitashree Mistry, Adv.

Ms. Sneha Chakraborty, Adv.

Mr. Sohban Kumar Pathak, Adv.

Mr. Md. Ayaan, Adv.

...for the respondents

The Court: The appeal is arising out of an order dated 4th August, 2023.

The learned Single Judge has rejected the objection of the appellant that by virtue of Section 42 of the Arbitration and Conciliation Act, 1996, the application under Section 34 of the said Act should have been filed before the City Civil Court and not before this High Court. The learned Single Judge has taken note of the earlier orders passed between the parties in a proceeding before the City Civil Court which included an application for termination of the

mandate of the learned Arbitrator. All these proceedings were dismissed in view of the fact that the award has been passed in the meantime.

It appears that the Commercial Division of the City Civil Court has not been established. In view of the Gazette Notification dated 13th May, 2024, any claim exceeding Rs.10 lakhs and not exceeding Rs.1 crore, the City Civil Court (Commercial Division) will have concurrent jurisdiction with the Commercial Division of the High Court at Calcutta.

As on date when the award was passed, only the High Court would have the jurisdiction to accept the said application since the Commercial Court has not been established in the City Civil Court. Moreover, the jurisdiction is concurrent.

In view of the aforesaid, the objection with regard to Section 42 of the Arbitration and Conciliation Act, 1996 is not required to be gone into at this stage.

On the aforesaid ground, the appeal is dismissed. However, the order directing the payment of costs is set aside.

(SOUMEN SEN, J.)

(BISWAROOP CHOWDHURY, J.)