

OCD-18

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

AP-COM/385/2024
[Old case no. AP/773/2023]

RAJARHAT I. T. PARK LIMITED
VS
KIRAN AGARWAL

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 14th May, 2024.

Appearance:

Mr. Shiv Shankar Banerjee, Adv.

Ms. M. Halder, Adv.

Mr. A. Doss Mullick, Adv.

Mr. Soumavo Mukherjee, Adv.

Mr. B. Mukherjee, Adv.

Mr. S. Chatterjee, Adv.

The Court: This is an application under section 14 read with section 15 of the Arbitration and Conciliation Act, 1996.

Briefly, the parties are contesting proceedings before an Arbitrator.

The disputes between the parties arise out of an agreement of lease dated 11th September, 2013. The primary grievance of the petitioner is directed against the fact that the Learned Arbitrator has not only refused to take the Statement of Defence of the petitioner on record but has, *inter-alia*, held at the sitting held on 20th January, 2024 that the petitioner is only entitled to cross-examine on legal issues and not on facts.

There are other allegations insofar as the conduct of the Arbitrator is concerned which are not pressed at this stage of the proceeding.

On behalf of the respondent, it is fairly submitted that the right to cross-examine the witness cannot be limited only to questions of law but also on facts.

In view of the submissions made on behalf of the parties, there is no scope of any interference at this stage of the proceeding. On a combined reading of *inter-alia* sections 5, 14, 34 and 37 of the Act, the scope of any Court to interfere with the arbitral process is limited and circumscribed. The issues raised by the petitioner are exclusively within the domain of the Arbitrator.

In such view of the matter AP-COM/385/2024 [Old case no. AP/773/2023] stands disposed of by granting liberty to the petitioner to raise all points available to the petitioner in accordance with law in challenging any final award if the circumstances so warrant.

(RAVI KRISHAN KAPUR, J.)