

22.04.2025
Item No.02
Court No.37.
S. De

F.M.A.T. 136 of 2025
With
I.A. No. CAN/1/2025

Ashoke Baba Telecommunication.
Vs
Protium Finance Limited.

Mr. Gopal Chandra Ghosh, Sr. Adv.
Mr. Pijush Kanti Ray, ...for the appellant.

Mr. Anuj Singh,
Ms. Rupal Singh,
Mr. Ashok Kr. Singh, ...for the respondent.

Dictated by Arijit Banerjee, J.

1. By consent of the parties, the appeal and the connected application are taken up together for hearing.
2. This appeal is directed against an order dated April 10, 2025, passed by the learned Chief Judge, City Civil Court, Calcutta in Misc. Case No.3586 of 2025.
3. It appears that the appellant obtained an ex parte ad interim order on August 19, 2024, on an application under Section 14 of the Arbitration and Conciliation Act, 1996, staying the proceedings in an arbitration. Thereafter, it appears that on consecutive dates, the appellant was not represented before the learned Judge. The matter was dismissed for default on February 1, 2025.

4. The appellant, namely, Amal Sen Das who carries on business under the name and style of Ashoke Baba Telecommunication has filed an application under Section 14 of the Arbitration and Conciliation Act. There was also an application for condonation of delay. A prayer was also made for re-instatement of the ad interim order that the appellant had obtained.
5. The learned Judge, by the impugned order, declined the appellant's prayer for revival of the interim order. The learned Judge directed service of the application for condonation of delay on the respondent herein. Being aggrieved, the appellant is before us.
6. We have gone through the order impugned. We find that after obtaining the ex parte ad interim order of stay of arbitration proceedings, on several dates, the appellant did not appear before the learned Judge. Being unhappy with the conduct of the appellant, the learned Judge dismissed the Misc. Application. We do not find any apparent fault in the order impugned.
7. However, we request the learned Judge to dispose of the restoration application along with the application for condonation of delay on an early date in view of the submission made by

learned senior counsel for the appellant that the arbitration is proceeding. In the event, the learned Judge is inclined to restore the appellant's Misc. Application, the appellant will be at liberty to renew his prayer for reinstatement of the ad interim order that he had obtained, upon notice to the respondent herein.

8. The appeal being FMAT 136 of 2025 is, accordingly, disposed of along with the application being I.A. No. CAN 1 of 2025.

9. Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

(Om Narayan Rai, J.)

(Arijit Banerjee, J.)