

Sl.30
19.05.2025
Court No.6
BP

C.O. 1662 of 2025

M/s. Jairam Finance Corporation
-versus-
Afroz Begum & Anr.

Mr. Shibnath Bhattacharya
Mr. Dipak Kumar Bhattacharjee
..for the petitioner

Mr. Arnab Roy
Mr. Satyam Mukherjee
Ms. Sayani Ahmed
Mr. Purnendu Sekhar Ghosh
Mr. Saibal Rakshit
..for the opposite parties

This application under Article 227 of the Constitution of India is at the instance of the finance company and is directed against an order being no.8 dated March 24, 2025 passed by the learned Additional District Judge, 11th Court at Alipore ,24 Parganas (South) in Arbitration Appeal No. 02 of 2024.

By the order impugned the petitioner herein was directed to issue no objection certificate in respect of the auto rickshaw bearing registration no. WB-04E/4560 after payment of arrear monthly instalment of Rs. 53,580/- and court fees of Rs. 1,000/- by the appellant by 27th March, 2025.

Mr. Bhattacharjee, the learned advocate appearing for the petitioner submits that by the order impugned the opposite party herein was directed to deposit the court

fees of Rs. 1,000/- by 27th March, 2025. He submits that since the value of the award, in the case on hand, exceeds Rs. 50,000/- the requisite fees for filing an application under Section 34 of the Arbitration and Conciliation Act, 1996 is Rs. 5,000/-.

Mr. Roy, learned advocate appearing for the opposite party submits that the court fees of Rs. 1,000/- has already been deposited by the opposite party and leave be given to the opposite party to deposit the balance amount of court fees.

In view of such submission, the opposite party is permitted to deposit the balance court fees within seven working days from the date of receipt of a server copy of this order.

Mr. Bhattacharjee, learned advocate appearing for the petitioner further submits that the learned Arbitrator directed payment of Rs. 2,43,445/- but the learned Additional District Judge directed issuance of the no objection certificate only upon payment of a sum of Rs. 53,580/- i.e. the arrears of 42nd to 47th monthly instalments.

After some argument Mr. Roy, learned advocate appearing for the opposite party submits that the petitioner shall not insist upon issuance of the no objection certificate by the petitioner herein in respect of the auto rickshaw in question and a direction be passed by the learned Additional District Judge at Alipore to

dispose of the Arbitration Appeal expeditiously. Such submission of Mr. Roy is placed on record.

After hearing the learned advocates for the parties this Court is of the considered view that the interest of justice would be sub-served if a direction is passed upon the learned Additional District Judge, 11th Court at Alipore, 24 Parganas (South) to dispose of the Arbitration Appeal No. 02 of 2024 expeditiously.

Accordingly, C.O. 1662 of 2025 stands disposed of by requesting the learned Additional District Judge, 11th Court at Alipore to take up the hearing of the appeal on 18th June, 2025, if the same is otherwise ready for hearing and to make an endeavour to dispose of the same as expeditiously as possible but preferably by the end of the month of October, 2025 or until further orders whichever is earlier without granting any unnecessary adjournments to either of the parties.

It is also recorded that the direction passed by the order impugned directing issuance of the no objection certificate by the petitioner is stayed till the disposal of the arbitration appeal.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)