

D/L
Item Nos.
01 & 05
23.05.2025
KOLE

AO-COM 9 of 2025
With
IA No. CAN 1 of 2025

Ikhlaq Hossain Khan
-Vs.-
KAIL Limited

WITH

AO-COM 14 of 2025
With
IA No. CAN 1 of 2025

Mr. Jay Saha, Sr. Adv.
Mr. Ishan Saha,
Mr. Abhik Sarkar,
Mr. Ranjeet Prasad,

...for the appellant.

Mr. Satadeep Bhattacharyya,
Mr. S. Dutta,
Ms. Sriparna Mitra,
Mr. P. Kanti Pal,
Mr. Debdut Hore,

.... For the respondent.

These two appeals are directed against two orders passed by the Learned Judge, Commercial Court at Rajarhat. AO-COM 14 of 2025 is directed against an order dated March 5, 2025 which was an *ex parte ad interim* order passed on an application of the respondent herein filed under Section 9 of the Arbitration and Conciliation Act, 1996 (in short the '1996 Act'). AO-COM 9 of 2025 is an appeal against an order dated April 4, 2025 whereby the order dated March 5, 2025 was extended in the presence of the respondents in that application who is the present appellant.

After the matter was heard for some time, Mr. Saha, learned Senior Advocate, appearing for the appellant suggests that he may be allowed to withdraw these appeals and pursue

his client's vacating application before the learned Trial Court as also his client's application under Section 9 of the 1996 Act.

We think that this is a fair suggestion. We do not make any comment on the merits of the matters.

We understand that the learned Trial Court reopens after the summer vacation on June 2, 2025. Since we find some degree of urgency in the matter, we direct the learned Trial Court to prepone the next date of hearing of the applications of the parties under Section 9 of the 1996 Act as well as the vacating application made by the respondent before the learned Trial Court and hold hearing in the week starting June 9, 2025. We also request the learned Trial Court to dispose of the two applications of the respective parties under Section 9 of the 1996 Act and the vacating application as expeditiously as possible and no later than four weeks from the first date of hearing in the week starting June 9, 2025.

The appeals and the connected applications are, accordingly, disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Om Narayan Rai, J.)

(Arijit Banerjee, J.)