

02.07.2025
Sl.No. 01
Cp/Gb

C.O. 1868 of 2025

Eden Realty Ventures Private Limited
Vs.
Bhoomidata Promoters Private Limited

Mr. S. N. Mitra, Sr. Adv.
Mr. Deepak Kr. Jain
Mr. Rajarshi Dutta

...for the petitioner.

Mr. Abhrajit Mitra, Sr. Adv.
Mr. Soumyadeb Sinha
Mr. Altamash Alim
Ms. Suranjana Chatterjee

.....for the opposite party.

Mr. S. N. Mitra, learned senior advocate for the petitioner, has brought to the notice of the Court that the date of the impugned order has gone down incorrectly in the order dated June 18, 2025.

Let the date of the impugned order appearing in the first line of the order dated June 18, 2025, be corrected as '**May 16, 2025**'. The other part of the order dated June 18, 2025 shall remain unaltered.

The department is directed to do the needful.

The learned senior counsel for the parties have been heard.

The civil revisional application arises out of an order dated May 16, 2025, passed by the learned Judge, Commercial Court at Rajarhat, North 24 Parganas. The petitioner is

aggrieved by the refusal of the prayer for ad interim injunction. The learned court was of the view that the prayer for interim order would be considered upon hearing the opposite party. While refusing the ad interim order, the learned court had discussed the reasonings given by the arbitral tribunal and earlier orders passed by the High Court.

Mr. S. N. Mitra had urged before this court that the observations and the directions passed by the arbitral tribunal would render the counter claim infructuous. The directions passed by the arbitral tribunal, permitting the opposite party to carry out various activities as per the development agreement, which is the subject matter of arbitration, would adversely affect the petitioner. According to him, if the opposite party performs part of the development agreement which was to be performed by the petitioner, in that event, the counter claim of the petitioner would become infructuous. Thus, Mr. Mitra urged before this court to pass an interim order, staying the interim directions of the learned arbitral tribunal.

Mr. Abhrajit Mitra, learned senior advocate appearing for the opposite party, urged before this court that the learned court discussed the issues and was satisfied that without hearing the opposite party, the ad interim order as prayed for should not be passed.

Having heard the rival submissions, this court finds that the appeal from the order of the arbitral tribunal is pending before the court of competent jurisdiction. The learned court, upon assessment of the situation and upon considering the submissions made by the petitioner, was of the opinion that an opportunity should be given to the opposite party to file a written objection and the matter would be decided thereafter.

In my view, any further interim order that is prayed for before this court would amount to deciding the issues which are already pending before the learned commercial court in the appeal.

Under such circumstances, justice would be subserved if the learned Commercial Court at Rajarhat is directed to decide the prayer for interim order of stay of the order passed by the arbitral tribunal, expeditiously. Although the learned commercial court has fixed the matter on August 25, 2025, this court is of the view that the petitioner's case requires urgent hearing, at least on the prayer for stay of the order of the arbitral tribunal.

Under such circumstances, this court directs the opposite party to file a written objection to the application for stay and the appeal within ten days from date. Reply thereto, if any, be filed within three days thereafter.

The matter should be disposed of by the learned Judge, Commercial Court at Rajarhat within July 18, 2025.

Parties are at liberty to file put up petitions before the learned Judge so that the matter can be fixed accordingly, in compliance of the direction of this court.

Accordingly, the civil revisional application is disposed of.

Parties are at liberty to act on the server copy of this order.

(Shampa Sarkar, J.)