

D/L
Item No. 07
07.08.2025
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**FMAT 755 of 2021
With
CAN 1 of 2022
With
CAN 2 of 2022**

**Smt. Chandrayee Donnelly & Anr.
-Vs.-
Wellside Properties Pvt. Ltd.**

*Mr. Paritosh Sinha,
Mr. Sirdharto Banerjee,
Mr. Joydeep Roy,
Mr. S. Ojha,
Mr. S. Samanta,*

...for the appellants.

*Mr. Suddhasatva Banerjee,
Ms. Rituparna Chatterjee,
Mr. S. Nayla,
Ms. Sadia Sultana,*

.... For the respondent.

This appeal is directed against an order dated September 20, 2021, passed by the learned Additional District Judge, 14th Court at Alipore in Arbitration Misc. Case No. 53 of 2021, being an application under Section 9 of the Arbitration and Conciliation Act, 1996, instituted by the respondent no. 1 herein praying for certain *interim* reliefs. The learned Trial Court disposed of the application by restraining the respondents in the Section 9 application being the appellants herein from “creating any third-party interest by alienating or encumbering the property as described in the schedule to the registered joint development agreement dated 15th December, 2017 till the conclusion of the arbitral proceedings, subject to compliance of Section 9(2) of the Arbitration and Conciliation Act, 1996”.

Mr. Sinha, learned Counsel appearing for the appellants fairly says that the Arbitral Tribunal that was constituted has proceeded with the matter and the arbitration is at an advanced stage. This appeal may be disposed of by clarifying that the order impugned shall abide by the final award of the Tribunal.

Mr. Banerjee, learned Advocate representing the respondent/petitioner has no objection to the same.

Accordingly, this appeal being FMAT 755 of 2021 and the connected applications are disposed of clarifying that the order impugned in this appeal shall abide by the award of the Arbitral Tribunal.

We make it clear that we have not addressed the merits of the case at all. The learned Tribunal shall make and publish an award in accordance with law without being influenced by any observation in this order or in any order passed in the Section 9 proceedings.

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

(Arijit Banerjee, J.)

(Om Narayan Rai, J.)