

Sl. 3
18.09.2025
Court No.6
BP

C.O. 3447 of 2025

M/s. Polykam Offset & Ors.
-versus-
M/s. Electronica Finance Ltd.

Mr. Joydip Kar, Sr. Advocate
Mr. Bhaskar Dwivedi
Mr. Jyoti Rauth
Mr. Hareram Singh
..for the petitioner

Mr. Sakya Sen, Sr. Advocate
Mr. Samrat Chowdhury
Mr. Sayan Ganguly
Ms. Sormi Dutta
... for the opposite party

This application under Article 227 of the Constitution of India is at the instance of the borrower praying for a direction upon the learned Judge, 13th Bench, City Civil Court at Calcutta to dispose of the application praying for recalling of the ex parte order dated April 25, 2025 expeditiously.

Mr. Kar, learned senior advocate appearing for the petitioner submits that an ex parte order was passed as far back as on April 25, 2025. The said interim order is affecting the right of the petitioners adversely for which the petitioners have filed an application for recalling of such ex parte order. He further submits that unless the said recalling application is heard out expeditiously the petitioners will suffer irreparable loss and injury as the petitioners were compelled to close down the business for such purpose.

Such submission is seriously disputed by Mr. Sen, learned senior advocate for the opposite party/Finance Company. He submits that challenging the ex parte order dated April 25, 2025 a miscellaneous appeal has been preferred by the petitioners before the Hon'ble High Court at Calcutta under Section 37 of the Arbitration and Conciliation Act. He further submits that this Hon'ble Court refused to interfere with the ad interim order dated April 25, 2025.

In reply Mr. Kar, learned senior advocate for the petitioners submits that the Hon'ble Division Bench disposed of the miscellaneous appeal by directing the petitioners to approach the Court dealing with the application under Section 9 of the Arbitration and Conciliation Act for appropriate order. He further submits that since the date of hearing of the recalling application is fixed on November 10, 2025 the petitioners may be given liberty to approach the learned trial judge for preponing the said date of hearing.

In the light of the submissions made by the learned advocates for the respective parties, C.O. 3447 of 2025 stands disposed of by giving liberty to the petitioners to approach the learned Judge, 13th Bench, City Civil Court at Calcutta with a prayer for preponement of the date of hearing of the recalling application. If such an approach is made, the learned Judge is requested to consider the same in accordance with law subject to the business of the

learned trial judge. In the event the prayer for preponement is not allowed the learned Judge, 13th Bench, City Civil Court at Calcutta shall take up the hearing of the recalling application on the next date fixed i.e. on November 10, 2025 and to make an endeavour to dispose of the same as expeditiously as possible but preferably within a period of four weeks from the next date fixed without granting any unnecessary adjournments to either of the parties.

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.)