

07.07.2025
Item No.122
Court No.25.
AB

C. O. 3343 of 2022

**Supriyo Kumar Saha
Vs
Union of India**

Mr. Tanmoy Sett,
Mr. Atish Ghosh,
Ms. Antara Deyfor the Petitioner.

Mr. Sukumar Bhattacharya
Ms. Oindrila Chatterjee,
Ms. Subhangi Bhattacharya.....for the UOI.

1. The present petition has been filed challenging the order dated September 22, 2022 whereby the learned Trial Court extended the interim order till November 25, 2022.
2. Learned Counsel submits that the interim order was initially granted on September 29, 2021. Learned Counsel submits that learned District Judge granted the stay mechanically and the same is liable to be set aside. Learned Counsel submits that even no application under Section 36 of the Arbitration and Conciliation Act was filed.
3. At the outset, the present petition is not maintainable and is liable to be dismissed. The Arbitration and Conciliation Act has been enacted with a solemn Legislative intention

for speedy disposal of case relating to arbitration. The Constitutional Courts have time and again recorded that there should be minimal judicial intervention in the case pertaining to Arbitration and Conciliation Act. The reason behind such orders is that if the parties have decided to get their disputes resolved by an Arbitrator, the Court should be slow in interfering into the same.

4. Section 5 of the Arbitration and Conciliation Act has been specifically enacted confining the extent of judicial intervention. Section 5 reads as under :

“5. Extent of judicial intervention. Notwithstanding anything contained in any other law for the time being in force, in matters governed by this Part, no judicial authority shall intervene except where so provided in this Part.”

5. Thus, the Court can interfere into the arbitration proceedings only to the extent as provided under the laws. Section 36 confers the power on the Court to grant stay of the operation of such award for reasons to be recorded in writing. There is no provision in the Arbitration and Conciliation Act for challenging an order made under Section 36(3) of the Arbitration and Conciliation Act, 1996. The petitioner has attempted to invoke

the jurisdiction of this Court by filing a revision petition under Article 227 of the Constitution of India. The Apex Court has time and again asserted that the Courts while exercising the jurisdiction under Article 227 has to be more circumspect and such exercise of jurisdiction cannot be allowed to be used so as to provide a mechanism for nullifying the statutory law. It is also a settled proposition that what cannot be done directly cannot be allowed to be done indirectly. In absence of any mechanism in Arbitration & Conciliation Act to challenge the order under Section 36 of Arbitration & Conciliation Act, the Constitutional provisions cannot be pressed into service.

6. The present petition is apparently an attempt to misuse and abuse the process of law.
7. Hence, the petition is dismissed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Dinesh Kumar Sharma, J.)

