

Form No. J(2)

In the High Court at Calcutta

Civil Appellate Jurisdiction

Appellate Side

Present: The Hon'ble Justice Sabyasachi Bhattacharyya
And
The Hon'ble Justice Uday Kumar

F.M.A.T 394 of 2024
IA No: CAN 1 of 2024

**Reliance Projects and Property
Management Services Limited
Vs.
Indrani Sarangi and another**

For the appellant : Mr. V.V.S. Sastry
Mr. Sourav Roy
Ms. Khushi Gupta

For the respondent nos.1 & 2 : Mr. Siddharth Shroff

Heard on : 24.06.2025

Judgment on : 24.06.2025

Sabyasachi Bhattacharyya, J.:-

1. The present appeal has been preferred under Section 37 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as

‘the 1996 Act’) against an order passed in an application under Section 9 of the 1996 Act.

- 2.** Apart from contending that by dint of the impugned order, virtually the main relief in respect of the arbitrable dispute itself has been granted, learned counsel for the appellant argues that the dispute comes within the ambit of a “commercial dispute” within the definition of the Commercial Courts Act, 2015, which has been admitted by the respondents in their application under Section 11 of the 1996 Act and as such, the learned Judge passing the impugned order, not being a commercial court, did not have subject-matter jurisdiction to decide on the prayer of the respondents.
- 3.** However, at this juncture, it is also pointed out that the issue of maintainability of the application under Section 9 before a non-commercial court has been raised by way of a separate application in the proceeding under Section 9 of the 1996 Act by the present appellant, which has already been heard by the said court and judgment has been reserved thereon.

- 4.** Since we are apprised that the hearing was concluded on June 9, 2025 and we are already on June 24, 2025, and as per the submission of learned counsel for the appellant, even without going into the merits of the case (since any observation at this stage might influence the decision of the Section 9 court and the other proceedings), we intend to dispose of the present appeal with a request to the learned court taking up the Section 9 application to pass orders on the maintainability application of the appellant within a limited period, keeping it open for the parties to raise all their contentions before the said court and before all other forums.
- 5.** Accordingly, FMAT 394 of 2024 is disposed of without entering into the merits of the respective contentions of the parties, by requesting the learned Judge taking up the Section 9 application to dispose of the maintainability application filed before the said court by the appellant as expeditiously as possible, positively within a fortnight from the date of communication of this order to the said court.
- 6.** We make it abundantly clear that we have not entered into the contentions of either of the parties on merits and the above observations or the disposal of the appeal shall not unduly

influence the learned court taking up the Section 9 application and/or any other court or forum.

- 7.** CAN 1 of 2024 is disposed of accordingly.
- 8.** There will be no order as to costs.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Uday Kumar, J.)

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AK