

01.12.2025
rc/ct.no.05
Item No.36

WPA No. 27845 of 2023
Sundaram Finance Limited & Anr.
Versus
The State of West Bengal & Ors.

Ms. Arunima Lala
Ms. Ankita Singh
Mr. Varun Kothari ..for the Petitioners

Mr. Rajarshi Basufor the State

Mr. Sukanta Das ...for the respondent no. 5

Heard learned counsels for the parties.

The vehicle in question was purchased by the 5th respondent by taking loan from the petitioners. The 5th respondent defaulted in payment of instalments in terms of the loan agreement for which the matter was referred for arbitration. Application filed by the petitioners under Section 17 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as “the Act of 1996”) was allowed by the learned Arbitrator and by an order passed on June 13, 2023, the learned Arbitrator directed appointment of receiver for taking possession of the hypothecated asset from the respondents’ premises or wherefrom it was found and deliver of the same to the petitioners. When the receiver attempted to comply with the said order, he was obstructed by the private respondents and their associates and there was breach of law and order in the area for which the vehicle was taken possession of by one Mr. Riyajul Mallick, member of Khangardhihi Gram of Bonpura

Panchayet (No. 7 Gram Panchayat). Subsequently the arbitral award was granted on September 29, 2013. The receiver applied for police help to comply with the said arbitral award. The petitioner alleges non-compliance of the interim order dated June 13, 2023.

Learned counsel for the private respondents submits that the private respondents filed an application under Section 34 of the Act of 1996 before the learned District Judge, Paschim Medinipur and by an order passed on April 03, 2025 the order dated September 29, 2023 has been stayed.

In view of the above, this Court is inclined to hold that since the arbitral award dated September 29, 2023 has been stayed by the learned jurisdictional Court, the interim order dated June 13, 2023 cannot be implemented until the stay on the arbitral award is vacated.

In the result, no fruitful purpose shall be served by keeping the writ petition pending. The writ petition is accordingly disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh,J)