

01.07.2025
Item No.3
Court No.01
SK.(AR(CR)

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri**

AP/1/2025

**BIJAY SAHA AND ANR
VS
AJIT SAHA AND ORS**

Mr. Sudipto Kumar Majumder,
Mr. Shubhankar Dutta,
Ms. Swagata Mitra,
...for the appellant

Mr. Arun Kumar Sarkar,
Mr. Abhijit Sarkar,
Mr. Samudra Mani Pradhan,
...for the respondent nos. 2,3,6&7

This is an application under section 11 of the Arbitration and Conciliation Act, 1996.

The grievance of the petitioner is directed against an inadvertent typographical and arithmetical error in the award dated 9 September, 2024.

During the course of submissions, it is fairly admitted by the petitioner that the application ought to have been filed under Section 33 of the Arbitration and Conciliation Act, 1996 before the Sole Arbitrator and not under section 11 of the Arbitration and Conciliation Act, 1996.

In fact, section 11 of the Act has no applicability and the only remedy for correction or interpretation of an award or an additional

award is by way of an application under section 33 of the Act.

In view of the above, the instant application is misconceived and not maintainable.

The respondents are represented and submit that any proposed application under section 33 of the Act would be hopelessly time barred.

Liberty is granted to the petitioner to file an appropriate application, if so advised, in accordance with law.

It is made clear that there has been no adjudication on the merits of the matter and the Arbitral Tribunal, if so approached, is at liberty to decide all points in accordance with law.

With the above directions, AP/1/2025 stands disposed of.

(RAVI KRISHAN KAPUR, J.)