

03.07.2025
Item No.30
Court No.01
SK.(AR(CR)

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

CO/23/2024

**SUBHO DEEP ROY
VS
SHYAMAL ROY AND ORS**

Mr. Kaushik Chandra Gupta,
Mr. Raja Adhikary,
Mr. Mrinal Das,
Mr. Sumit Kumar,
Mr. Pretom Das,
Ms. Riya Agarwal,
...for the petitioner.
Mr. Nirmally Dasgupta,
Mr. R.L. Mitra,
Ms. Priyanka Dhar,
Mr. D. Deb,
...for the respondents

This is a revisional application directed against an order dated 1 February, 2024 passed in Miscellaneous Appeal no. 9 of 2024.

Briefly, the applicant had filed an application under Section 37 of the Arbitration and Conciliation Act, 1996, inter alia, challenging an order dated 19 January, 2024 passed by the Sole Arbitrator.

The disputes between the parties arise out of a partnership deed which contains an arbitration clause.

Admittedly, the arbitral reference has not concluded and the matter is still pending before the Sole Arbitrator. During the interregnum,

being aggrieved by the refusal of the Sole Arbitrator to pass an interim order, the applicant had preferred an appeal under Section 37 of the Arbitration and Conciliation Act, 1996.

By the impugned order the Learned District Judge at Jalpaiguri has transferred the appeal to the Commercial Court at Siliguri in view of the fact that the disputes between the parties were in excess of the prescribed limit and on the ground of pecuniary jurisdiction. It is submitted on behalf of the applicant that they are ready and willing to proceed with the subject appeal before the Commercial Court at Siliguri subject to a time limit being fixed for hearing and disposal.

Mr. Dasgupta appearing on behalf of the respondents submit that the impugned order warrants no interference whatsoever and on holistic reading of the plaint and the reliefs prayed for, the Commercial Court at Siliguri is the Appropriate Court.

In view of the nature of the disputes and in terms of the impugned order, the Learned Commercial Court at Siliguri is requested to hear the application under Section 37 and dispose of the same within a period of two months from the date of communication of this order.

In view of the submissions on behalf of the parties, CO/23/2024 stands disposed of.

(RAVI KRISHAN KAPUR, J.)