

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/15/2025

SUNIL KUMAR RAY
VS
TATA MOTORS FINANCE LTD.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 18th September, 2025.

*Ms. Srijani Mukherjee, Adv.
Mr. Lalratan Mandal, Adv.
... for the petitioner.*

*Ms. Anna Malhotra, Adv.(VC)
Mr. Rishav Maity, Adv.
. . . for the respondent.*

The Court: This is an application for injunction and for various interim reliefs including a mandatory direction upon the respondent to deliver the vehicle to the petitioner, through a Receiver.

Ms. Anna Malhotra, learned Advocate for the respondent after several hearings held in the matter, has surprised the court by submitting documents, in order to demonstrate that an award had been passed. Loan recall notice was issued, terminating the agreement and calling upon the petitioner to pay up the dues. The said loan recall notice was also a combined notice of invocation of the arbitration clause.

Thereafter, one Mr. Prashant Kalbande was appointed as an Arbitrator, unilaterally by the respondent. Photo copies of postal receipts have been produced before the Court without any delivery report. Thus,

there is nothing on record with regard to receipt of the notices issued by the respondent and by the unilaterally appointed arbitrator.

The petitioner's specific case is that the petitioner was totally unaware of the proceedings. In any event, as an award has already been passed, there is no other option, but to direct the petitioner to take steps against the said award. Photocopies of all the documents filed in Court today shall be handed over to the learned advocate on record of the petitioner.

The application for setting aside the award shall be filed within 17th November, 2025. The issues of jurisdiction and limitation are not gone into and left open to be urged and decided at the appropriate stage.

Till December 15, 2025, the vehicle shall not be alienated or transferred by the respondent.

The application is disposed of.

(SHAMPA SARKAR, J.)