

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE
(Commercial Division)

RVWO/3/2025
WITH
APOT/389/2024
AP-COM/822/2024

VERSATILE CONSTRUCTION
VERSUS
TATA MOTORS FINANCE LTD.

BEFORE:

The Hon'ble JUSTICE SOUMEN SEN

AND

The Hon'ble JUSTICE BISWAROOP CHOWDHURY

Date : 19th February, 2025.

Appearance:

*Mr. Tapas Kumar Dutta, Adv.
...for the appellant*

1. This is an application for review of the judgment and order passed on 15th January, 2025.
2. Learned counsel for the applicant has submitted that the agreement on which the award was passed was not the agreement which the appellant had signed. Moreover, the decision of BALCO reported at 2012 (9) SCC 552 holds the field and any subsequent view taken by the Benches of the Hon'ble Supreme Court having lesser strength would not be binding and, hence, the principle in BALCO ought to have been applied in deciding the matter. In this regard, learned counsel has referred to paragraphs 23, 24, 25, 28,

29, 31 and 32 of the judgment reported in (2020) 4 SCC 1 (*Dr. Shah Faesal & Others vs. Union of India and Another*).

3. We are only concerned with the jurisdiction of the Court which shall decide all disputes arising out of the arbitration agreement. Whether the agreement on the basis of which the award was passed was not the agreement would be a matter to be decided in the said proceeding. The said award cannot be challenged in any of the Courts in West Bengal for the reasons elaborately discussed in our judgment. The Arbitration and Conciliation Act, 1996 is seat-centric as opposed to the fundamental notion that parties by agreement cannot confer jurisdiction. The Act gives predominance to party autonomy thereby permitting the parties to confer jurisdiction which is supervisory in nature on a particular court even if that court otherwise does not have jurisdiction. We have decided the issue against the applicant appellant in our judgment after taking into consideration the decisions of the Hon'ble Supreme Court. In view thereof we do not find any reason to review our judgment.
4. The review application accordingly stands dismissed. However, there shall be no order as to costs.

(SOUMEN SEN, J.)

(BISWAROOP CHOWDHURY, J.)