

OCD 16

ORDER SHEET
AP-COM/189/2025
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

TATA CAPITAL LIMITED
VS
SHEO NARAYAN SINGH AND ANR.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 23rd June, 2025.

Appearance:
Mr. Avishek Guha, Adv.
Mr. Adipta Kr. Pandit, Adv.
...for the petitioner

Mr. Animesh Paul, Adv.
Ms. Manisha Upadhyay, Adv.
...for the respondents

The Court: The application is not maintainable as the arbitral proceedings were terminated by the learned Arbitrator on the prayer of the claimant to withdraw the proceedings.

Under such circumstances, a second application on the selfsame cause of action cannot be resorted to, without any liberty. In this case, the order of the learned Arbitrator indicates that the petitioner did not want to pursue the claim and hence, withdrew the proceedings. The instruction of the petitioner to its learned Advocate, is quoted below:-

“Dear Aditi,

As discussed, please withdraw all the pending arbitration proceedings which are continuing more than 1 year because as per statute we can’t continue with such arbitrations for more than a year until and unless it is contested.

Regards

Sounak Mukherjee

Regional Legal Manager (CV-CEQ)-East

Tata Capital Limited”

Accordingly, the termination is one under Section 32 of the Arbitration and Conciliation Act, 1996. However, the remedy of the petitioner under the SARFAESI Act or any other appropriate law is kept open to be explored in accordance with the provisions of the relevant statute.

The order of the learned Arbitrator dated June 10, 2024 is quoted below:-

“ **In the matter of:**

Arbitration

Between

RE: TATA CAPITAL FINANCIAL SERVICES LIMITED

.... CLAIMANT

AND

SHEO NARAYAN SINGH & ANR.

.... RESPONDENTS

Contact No. 7000543018 dated 15.10.2018

MINUTES of the meeting of the Arbitration held on 10.06.2024 at
“Nicco House”, 2 Hare Street 6th Floor, Room No. 20, Kolkata – 700001.

Present:-

Ms. Aditi Nandi, the Learned Advocate appearing on behalf of the claimant and placed the letter dated 17.05.2024 praying for Withdrawal of the present reference against the respondents. The said letter dated 17.05.2024 is taken on record.

Heard considered and hence the reference against the respondents stands Withdrawn and the instant Arbitration proceeding is terminated accordingly. The said matter is hereby disposed of.”

”

The contention of Mr. Guha that the period of time during which the proceedings were pending before this Court may be excluded while computing

the limitation in case recourse is taken under any other statute, cannot be decided by this Court.

The petitioner is at liberty to raise all such issues at the appropriate stage.

The application is, accordingly, dismissed.

(SHAMPA SARKAR, J.)