

ORDER SHEET
AP-COM/304/2025
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

SURYA ALLOY INDUSTRIES LIMITED
VS
SOUTH EASTERN RAILWAY AND ORS

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 30th June, 2025.

Appearance:
Mr. Tanoy Chakraborty, Adv.
Mr. Farhan Ghaffar, Adv.
Mr. Kallol Saha, Adv.
Mr. Akash Ghose, Adv.
. . .for the petitioner.

Mr. Siddhartha Lahiri, Adv.
Mr. Guddu Singh, Adv.
. . .for the U.O.I.

The Court:

1. It is submitted by both parties that the learned Arbitrator has been appointed on June 19, 2025. The first sitting is on the 8th of July, 2025. The interim order was passed upon the Court being, prima facie, satisfied that the sample wise testing had not been done and an opportunity was not given to the petitioner to replace the defective goods although, the warrantee clause provided such.
2. Thus, this Court was of the view that recovery of the amount mentioned in the Warrantee Rejection Advices dated February 21, 2025 should not be given effect to for a period of three weeks. The petitioner prays for extension of the said interim order until the learned Arbitrator hears the

matter on the issue of interim protection. The petitioner wants to file an application of such nature.

3. Mr. Lahiri submits that the petitioner should be asked to proceed for a joint inspection.
4. In my opinion, the submission of Mr. Lahiri should be made before the learned Arbitrator, as the learned Arbitrator is already in seisin of the matter. All questions arising out of the aforementioned commercial transaction between the parties have been left open to be decided by the learned Arbitrator. The interim order passed on April 21, 2025 shall continue for a period of one month. In the meantime, the petitioner shall approach the learned Arbitrator for interim protection. The prayer of Mr. Lahiri for a joint inspection by the parties is left open, to be made before the learned Arbitrator.
5. The application being AP-COM/304/2025 is, accordingly, disposed of.

(SHAMPA SARKAR, J.)

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