

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/739/2025

ASHISH DAS
VS
INDOSTAR CAPITAL FINANCE LIMITED & ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 18th September, 2025.

*Mr. Sankar Nath Mukherjee, Adv.
Ms. Manisha Paswan, Adv.
... for the petitioner.*

*Mr. Amar Singh, Adv.
Mr. Ranjit Singh, Adv.
Ms. Tutul Das Singh, Adv.
Mr. Pranit Biswas, Adv.
Ms. S. Mukherjee, Adv.
...for the respondent.*

The Court: This is an application for injunction. During the pendency of an application for injunction in which a Co-ordinate Bench had directed exchange of affidavits and had observed that the vehicle would remain with the police authorities, the concerned vehicle was released in favour of the petitioner and thereafter intercepted by the respondent/company.

The respondent claims that the loan agreement was terminated. The loan agreement permitted repossession of the vehicle. Repossession was made from the driver of the vehicle, upon issuing a seizure/inventory list.

In my opinion, a prima facie case has been made out by the petitioner with regard to the protection of the vehicle which is in the

custody of the respondent. It is the contention of the petitioner that the agreement is alive till 2026 and the notice of termination was never received. The conduct of the respondent was not in accordance with the law.

Considering the balance of convenience and inconvenience, this Court is of the opinion that the disputes which are factual in nature must be adjudicated by the appropriate forum. The agreement contains an arbitration clause. However, the respondent/company shall be restrained from alienating, transferring or changing the nature and character of the vehicle for a period of three months. Within such time, the petitioner shall take steps for constitution of the Arbitral Tribunal. Thereafter, further interim prayers can be made before the Arbitral Tribunal.

A photocopy of the agreement shall be supplied to the petitioner.

Liberty to the respondent to file the Vakalatnama within a week.

AP-COM 739 of 2025 is disposed of.

(SHAMPA SARKAR, J.)