

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL JURISDICTION
ORIGINAL SIDE

AP-COM/897/2024
SUPRIYO HALDER AND ANR.
VS
SIMAB BABU

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 3rd March, 2025.

Appearance:

Mr. Ratul Das, Adv.

Ms. Nidhi Bahal, Adv.

Mr. Sagnik Basu, Adv.

Mr. Subhrajyoti Dey, Adv.

Mr. Arya Banerjee, Adv.

For petitioners

1. Affidavit of service is taken on record. Service by e-mail is also available on record.
2. Despite service none appears to contest this application.
3. It appears that notice invoking arbitration was also served upon the respondent and the respondent replied by a letter dated January 31, 2025. The respondent did not agree to the nomination of the sole Arbitrator and indicated that retired justice of the High Court should be appointed as learned Arbitrator.

4. It also appears that the petitioners have taken steps for reference to arbitration.
5. Considering the fact that the respondent is aware of the pendency of this application and the interim order that was passed, this Court is of the view that the application for injunction need not be kept pending.
6. In the reply to the notice under Section 21 of the Arbitration and Conciliation Act, 1996, the respondent has also raised the dispute with regard to the allocation.
7. Under such circumstances, this Court is of the view that the interim order passed on November 18, 2024 restraining the respondent from selling out the owner's allocation as described in the development agreement to the extent of the area in the first floor and 200 sq.ft. on the roof shall continue for a period of three months.
8. Within the aforesaid period the petitioners shall take steps for referring the dispute to Arbitration and then shall be at liberty to pray for further interim orders before the learned Arbitrator.
9. The application is, accordingly, disposed of.

(SHAMPA SARKAR, J.)