

ORDER

OCD-3

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

IA NO. GA/1/2022

In APO/105/2022

RANJIT KUMAR PATHAK

Vs

M/S CHOLAMANDALAM INVESTMENT AND FINANCE COMPANY LTD.

BEFORE

HON'BLE JUSTICE GAURANG KANTH

Date: December 08, 2025.

Appearance:-

Mr. Priyankar Saha, Adv.

...for Appellant .

Mr. Ranjit Singh, Adv.

Mr. Tutul Das Singh, Adv.

Mr. Amar Singh, Adv.

Mr. Pranit Biswas, Adv.

Ms. Anusuya Thafai, Adv.

...for respondent.

The Court:- The present appeal has been preferred against the interim order dated 07.11.2022 passed by the Arbitral Tribunal in Arbitration Case No. SRR/C.M.P No. L3538/2022 (M/s Cholamandalam Investment & Finance Company Ltd. vs. Ranjit Kumar Patak). By the said interim order, the Tribunal permitted the respondent to repossess the vehicle, namely PRO 6037/HCV bearing Registration No. BR-06-GD-6754, and further authorised the respondent to dispose of the vehicle and adjust the sale proceeds towards the outstanding dues recoverable from the appellant.

This Court, when seized of the matter, granted an interim order dated 10.01.2023 restraining the respondent from selling the vehicle, so as to preserve the subject matter of the lis. This interim protection was continued

until 30.04.2023 or until further orders, whichever was earlier. However, the matter was never listed before this Court and further no application has been filed on behalf of the appellant for the extension of the said interim award. The matter is now listed upon mentioning and the appellant is seeking an extension of the said interim protection.

At the threshold, learned Counsel for the respondent submits that the arbitral proceedings have already culminated in the passing of a final award.

Learned counsel for the appellant acknowledges that the award has been passed, although learned counsel for the respondent contends that the appellant was already fully aware of the same.

Learned counsel for the appellant accordingly seeks to withdraw the present petition.

This Court has not entered into the factual question of whether the appellant had prior knowledge or receipt of the award. As the present appeal was filed challenging an interim order passed by the Arbitral Tribunal under Section 17 of the Arbitration and Conciliation Act, 1996, and in view of the fact that a final award has since been rendered, the appellant does not wish to press this appeal.

Accordingly, the present appeal is dismissed as withdrawn. The connected application also stands dismissed.

(GAURANG KANTH, J.)