

18.02.2026
Court No.13
Item No.3
pk

AO-COM 2 of 2026

M/s. Tribeni Constructions Limited
Vs.
Damodar Valley Corporation

Mr. Shuvasish Sengupta,
Mr. Yash Vardhan Deora,
Ms. Sritama Chatterjee

...for the appellant.

Mr. Anirban Ray,
Mr. Deepan Sarkar,
Mr. Prasun Mukherjee
Mr. Deepak Agarwal

... for the D. V. C.

1. The instant appeal is directed against order dated 13.01.2026 passed by the learned Commercial Court at Alipore in Misc. Arbitration (Com) No. 59 of 2025.
2. The brief facts relevant to the instant case are that the appellant was executing a contract under the DVC of which more than 80 per cent is claimed to have been completed. This is disputed by Mr. Anirban Ray, learned senior advocate for the DVC.
3. Disputes and differences arose between the parties as regards execution of the contract and the Arbitration Clause has been invoked. The appellant has filed an application under Section 9 of the Arbitration and Conciliation Act, 1996 seeking various interim reliefs before the Trial Court.
4. One of the prayers in the interim application is for appointment of Receiver to inventorise the goods of the

appellant/contractor lying at the site. The prayer was refused at the ad interim stage and affidavits were called for.

5. Affidavits have been exchanged. A supplementary affidavit was filed in course of hearing by the appellant. The respondent sought time to file objection to the supplementary affidavit. At this stage the prayer for receiver was renewed.
6. Mr. Anirban Ray, learned senior advocate appearing for the DVC submits that the appeal should not be entertained since the initial order refusing interim relief has not been challenged before this Court.
7. He further submits that his client would be prejudiced if the prayer for appointment of receiver when the hearing of Section 9 application is pending, is entertained or allowed by this Court.
8. It further appears from the submissions of the parties that the appellant has proposed a settlement by mediation since 90 per cent of the work has been completed and payment of about 70 per cent has been received (Disputed by the respondent).
9. Having heard the learned counsel for the parties, this Court is of the view that the appeal could be disposed of by directing the Trial Court to prepone the hearing of the application under Section 9 and dispose of the same within a short period preferably by two weeks.
10. Since there is already a prayer for appointment of receiver which was refused initially, this Court is of the

view that the interest of justice would be sub-served if a learned advocate of the Bar Library Club, Mr. Saswata Nayek is appointed to make an inventory of the articles of the appellant including any vehicles and goods.

11. The learned advocate shall proceed to prepare such inventory in presence of both parties and submit a report to the Trial Court.
12. The report may be considered by the Trial Court while disposing of the application under Section 9 of the Arbitration and Conciliation Act, 1996.
13. It is expected that the inventory of the articles of the appellant is conducted as expeditiously as possible.
14. For the aforesaid purpose, the learned Advocate, Mr. Saswata Nayek shall be paid remuneration of 2000 G.Ms. to be paid by the appellant at the first instance.
15. The Trial Court/Arbitral Tribunal shall be at liberty to decide as to which party will bear the entire cost for the aforesaid inventory.
16. It is made clear that apart from making inventory, the advocate Mr. Nayek shall not take physical possession of the articles of the appellant lying at the site. Mr. Nayek shall be entitled to seek assistance of the Raghunathpur Police Station, if necessary, in carrying out his work.
17. This Court has not expressed any view whatsoever on the merits of the case and the rival contentions advanced by the parties either in the Section 9

application or the merits of the claim and the counter claim that the parties may have.

18. The Trial Judge shall proceed to decide Section 9 application uninfluenced by any observation made in this order.

19. With the aforesaid observations, AO-COM 2 of 2026 is disposed of. Consequently, connected pending application being CAN 1 of 2026 is also disposed of.

20. There will be no order as to costs.

21. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Md. Shabbar Rashidi, J.)