

16.06.2026
Item No.520 (DL)
Court No.06
AJ.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 752 of 2026

**Sajan Kumar Bhagat HUF
-Vs-
Sanjay Kumar Bhagat HUF**

Mr. Jishnu Chowdhury, Sr. Adv.,
Mr. Satadeep Bhattacharya,
Mr. Ritoban Sarkar,
Mr. Kritin Saraf,
Mr. Sagar Dutta.

.....for the petitioner.

Mr. Rudraman Bhattacharyya, Sr. Adv.,
Mr. Akash Munshi,
Mr. Souvik Kundu.

.....for the opposite party.

1. This revisional application is directed against an order dated February 19, 2026 passed by the learned Judge, Commercial Court at Alipore whereby the petitioner's prayer for ex parte ad-interim stay of an interim award passed by the learned Arbitrator on February 20, 2025 has been declined and the petitioner has been directed to serve notice upon the opposite party.

2. Mr. Chowdhury, learned senior Advocate appearing for the petitioner submits that the learned Commercial Court has failed to exercise jurisdiction vested in it under Section 36(2) of the Arbitration and Conciliation Act, 1996 by not granting ex-parte ad interim stay of the interim arbitral award although, a *prima facie* case had

been made out by the petitioner before the said learned Court.

3. Mr. Bhattacharyya, learned senior Advocate appearing for the opposite party submits that the revisional application itself should not be entertained inasmuch as the contours of Section 36(2) are too narrow for a challenge of this nature to be brought within them and that being so the refusal of ex-parte ad interim stay cannot be assailed before this Court under Article 227 of the Constitution of India.

4. The Court has been informed that July 09, 2026 has been fixed by the learned Commercial Court for filing of written objection to the petitioner's application under Section 36(2) of the 1996 Act.

5. Having regard to the facts of the present case, where the matter is yet to be heard out by the learned Commercial Court, this Court is of the considered view that justice would be sub-served if the hearing of the application under Section 36(2) of the 1996 Act filed by the petitioner is directed to be expedited and the matter is left to be decided finally by the learned Commercial Court, without this Court expressing any opinion on the merits of the matter at the first instance.

6. Mr. Bhattachryya, learned senior Advocate appearing for the opposite party has fairly submitted that the opposite party would be filing its

written objection to the petitioner's application for stay by June 23, 2026. Accordingly let written objection to the petitioner's application be filed by the opposite party by June 23, 2026.

7. Mr. Chowdhury, learned senior Advocate appearing for the petitioner has submitted that the petitioner would not use a rejoinder to the written objection to be filed by the opposite party.

8. Thus pleadings being complete by June 23, 2026, this Court finds no impediment in the learned Commercial Court proceeding with the hearing of the application on the date fixed i.e. July 09, 2026.

9. Accordingly the learned Commercial Court is requested to endeavour to conclude the hearing of the said application as expeditiously as possible. In case the hearing of the application is not concluded on July 09, 2026, the learned Court is requested to fix an appropriate short date so that the same may be concluded at the earliest, preferably within a month from the next date fixed.

10. C.O. 752 of 2026 stands disposed of with the above observations. There shall be no order as to costs.

11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)