

16.06.2026

Sl. No.: 35

Court No.6

BM

C.O. 1636 of 2026

GOUTAM ROY

VS

TODI INVESTOR (INDIA) PVT. LTD.

Mr. Rishad Medora

Mr. Vivek Basu

Mr. Aranyak Saha

... for the petitioner

Mr. Prabhat Kumar Srivastawa

Mr. Subhamoy Patra

Ms. Mahuya Maity

... for the opposite party

1. Affidavit of service filed in court today is taken on record.

2. This revisional application challenges an order dated March 20, 2026 passed by the learned Arbitrator on the petitioner's application under Section 16 of the Arbitration & Conciliation Act, 1996.

3. On June 8, 2026 when the application was initially moved this Court had directed the petitioner to serve a copy of the revisional application upon the opposite party intimating the opposite party that the matter will be taken up on next on June 16, 2026 as an "Upgraded Motion".

4. Today when the matter is taken up, Mr. Medora, learned advocate appearing for the petitioner submits that while on the last date, the arbitration proceedings were only at the stage of an order passed under Section 16 of the 1996 Act and no communication as regards

any further proceeding had been made to the petitioner, yet after a copy of the revisional application was served upon the opposite party, the petitioner has been served with a copy of the arbitral Award on June 15, 2026.

5. It is submitted by Mr. Medora that the fact that the award got served upon the petitioner immediately after a copy of the revisional application was served upon the opposite party, clearly shows the connivance between the opposite party and the learned Arbitrator.

6. Mr. Srivastawa, learned advocate appearing for the opposite party submits that the revisional application is not maintainable and the same deserves to be dismissed. He takes exception to the submission of Mr. Medora that there is connivance between the opposite party and the learned Arbitrator and vehemently denies the same.

7. Since, an Award has already been passed by the learned Arbitrator, the petitioner's remedy now lies in challenging the Award in terms of provisions of Section 34 of the Arbitration & Conciliation Act, 1996, where the point which has been sought to be canvassed before this Court in the present revisional application would also be squarely available to be pressed by the petitioner.

8. In such view of the matter nothing further remains to be decided in the present revisional application.

9. C.O. 1636 of 2026 is disposed of leaving the petitioner free to take appropriate steps to challenge the arbitral Award in accordance with law.

10. All points are left open to be urged by the petitioner and be decided by the appropriate forum in accordance with law.

(Om Narayan Rai, J.)