Dd 4 **06.10.2026**
(Bench ID-266446)

In the High Court At Calcutta

CIVIL APPELLATE JURISDICTION
COMMERCIAL DIVISION

AO-COM/47/2026
Technofab Engineering - SN Envirotech JV
VS
Public Health Engineering Department,
Government of West Bengal and Ors.
IA NO: CAN/1/2026

Mr. S. D. Singh, Sr. Adv.
Mr. Dipanjan Sinha Roy, Advocate
Mr. Arpan Guha, Advocate
… … For the Appellant

1. Appeal is directed against the impugned order dated July 21, 2026 passed in Misc. Arb (Com) case No. 07 of 2026.
2. By the impugned order, learned Trial Judge refused to grant interim protection under Section 9 of the Arbitration and Conciliation Act, 1996 as applied for on behalf of the appellant. The application under Section 9 of the Act of 1996 of the appellant was fixed on September 28, 2026. Written objection from the respondents was invited.
3. In response to a query of the Court, learned advocate for the appellant submits that, appellant issued notice under Section 21 of the Act of 1996 on July 9, 2026.
4. In response to further query of the Court whether the appellant applied under Section 11 of the Act of 1996 for appointment of the Arbitrator or not, learned counsel for the appellant submits that, the

provisions of Section 9 of the Act of 1996 allows the appellant to seek interim protection.

5. No doubt, Section 9 of the Act of 1996 allows to seek interim protection prior to constitution of the Arbitral Tribunal, in our understanding of the scheme of the Act of 1996, the applicant under Section 9 must take expeditious steps for the constitution of the Arbitral Tribunal.
6. In the facts and circumstances of the present case, we find that, the appellant before us did not take expeditious steps in getting an Arbitrator appointed subsequent to the issuance of notice under Section 21 of the Act of 1996 on July 9, 2026. Appellant did not apply Section 11 of the Act of 1996 for the appointment of an Arbitrator.
7. Moreover, learned Trial Judge, considered the rival contentions of the parties in extenso and refused to grant interim protection. Learned Judge gave reasons for the same. Written objection was permitted to be filed.
8. In such circumstances, we are not in a position to arrive at a finding that the decision impugned before us is perverse or that the discretion exercised by the learned Trial Judge is not on established legal principles.
9. We find no merit in the present appeal.
10. AO-COM/47/2026 along with the connected application are dismissed.

(Debangsu Basak, J.)

(Aryak Dutt, J.)

DEBABRATA DAS Digitally signed by DEBABRATA DAS
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