

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

EC-COM/23/2025

KOTAK MAHINDRA BANK LIMITED
VS
JITENDER KUMAR GARG AND ORS.

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH

Date : 21st May, 2026.

Appearance:

Ms. Shrayashee Das, Adv.

Ms. Anukriti Agarwal, Adv.

Mr. Tridibesh Dasgupta, Adv.

...for the award-holder

The Court: Learned counsel appearing on behalf of the award-holder seeks permission to withdraw the present execution petition on the ground that the award sought to be executed was rendered by a learned Sole Arbitrator who had been unilaterally appointed. It is submitted that, in view of the judgment dated 14.05.2026 rendered by this Court in EC-COM 334 of 2026, such an award is non est in the eyes of law and is incapable of execution.

In view of the aforesaid submission, the present execution petition is dismissed as withdrawn, with liberty reserved in favour of the award-holder to initiate fresh arbitral proceedings before a duly and validly constituted Arbitral Tribunal, appointed in accordance with law.

(GAURANG KANTH, J.)