

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APO/93/2020

STATE OF WEST BENGAL
THE SECRETARY PWD (ROADS)
VS
PAM DEVELOPMENT PVT LTD

BEFORE:

The Hon'ble JUSTICE DEBANGSU BASAK

AND

The Hon'ble JUSTICE MD. SHABBAR RASHIDI

Date : January 29, 2026.

Appearance:

Mr. Dhruva Ghosh, Sr. Adv.

Ms. Nilanjana Adhya, Adv.

Mr. Paritosh Sinha, Adv.

Mr. Arindam Mondal, Adv.

Ms. Amrita Panja Moulick, Adv.

Mr. Altamas Alim, Adv.

Ms. Swagata Ghosh, Adv.

...for the appellant.

Mr. Aniruddha Mitra, Sr. Adv.

Mr. Madan Mohan Roy, Adv.

...for the respondent.

The Court: The appeal is at the behest of the petitioner under Section 34 of the Arbitration and Conciliation Act, 1996.

The appellant has filed an application under Section 34 of the Arbitration and Conciliation Act, 1996 challenging the award dated January 21, 2010. Such petition was registered as AP/212/2010.

That the disputes involved in the proceedings are commercial in nature is admitted at the bar.

The challenge petition was filed prior to the Commercial Courts Act, 2015 coming into effect. The Act of 2015 was made effective from March, 2018.

Subsequent thereto, the Court did not transfer the challenge petition to the Commercial Division.

The challenge petition was considered and decided by the Non-commercial Division of the High Court.

Consequently, the appeal under Section 37 of the Act of 1996 is also in the Non-commercial Division.

On the date, when, the Court under Section 34 of the Act of 1996 passed the impugned judgment and order, it did not possess requisite jurisdiction in view of the subject matter of the dispute being commercial in nature and the challenge petition being required to be transferred under Section 15 of the Act of 2015 to the Commercial Division.

In such perspective, the impugned judgment and order being without jurisdiction, is set aside.

Since, we did not enter into the merits of the matter at all and since, we are setting aside the impugned judgment and order purely on the ground of lack of jurisdiction, we clarify that all points raised by the parties are kept open.

In such circumstances, AP/212/2010 is remitted to the trial judge. AP/212/2010 is transferred to the Commercial Division. Department will treat AP/212/2010 as disposed of in the Non-commercial Division and will renumber the same in the Commercial Division.

APO/93/2020 is disposed of accordingly.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)