

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/297/2026

SAROSH YAZDANI AND ANR

VS

HAMIDA KHATOON AND ORS.

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH

Date : 18th May, 2026.

Appearance

Mr. Jishnu Saha, Sr. Adv.
Mr. Ishan Saha, Adv.
Mr. Pranav Sharma, Adv.
Mr. S. Mahapatra, Adv.
Ms. Sanskriti Jain, Adv.
...for the petitioners

Mr. S. N. Mookherjee, Sr. Adv.
Mr. K. Thakker, Sr. Adv.
Mr. Yash Singhi, Adv.
Mr. Dhruv Chadha, Adv.
Mr. Ratush Kr. Rai, Adv.
Ms. Devanshi Deora, Adv.
...for the respondent no.1

Mr. Ratnanko Banerjee, Sr. Adv.
Mr. D. N. Sharma, Sr. Adv.
Mr. Krishna Goenka, Adv.
Mr. Ratush Kr. Rai, Adv.
Ms. Vipra Garg, Adv.
Ms. Devanshi Deora, Adv.
...for the respondent no.2

Mr. Dhruva Ghosh, Sr. Adv.
Mr. Ankan Rai, Adv.
Mr. Ayan Rai, Adv.
Mr. Altamash Alim, Adv.
Mr. Ratush Kr. Rai, Adv.
Ms. Vipra Garg, Adv.
Ms. Devanshi Deora, Adv.
...for the respondent no.3

The Court:- Affidavit of service and notice of motion are taken on record.

The present Petition has been filed by the Petitioners under Section 9 of the Arbitration and Conciliation Act, 1996, inter alia, seeking an order restraining the Respondents from acting upon the show cause notice dated 13.04.2026 seeking to remove or expel the Petitioners from the partnership firm M/s Serajuddin & Co., and further seeking appointment of a Receiver for taking charge of the books, records and documents of the said firm.

At the outset, Mr. Jishnu Saha, Learned Senior Counsel appearing on behalf of the Petitioners, and Mr. Mookherjee, Learned Senior Counsel appearing on behalf of the Respondents, jointly submit that in relation to an earlier show cause notice dated 20.10.2023, whereby Petitioner No. 2 was sought to be expelled from the partnership firm, disputes has arisen between the parties, pursuant whereto an Arbitral Tribunal comprising Justice Indira Banerjee (Retd.) as the Learned Sole Arbitrator was constituted by the Hon'ble Supreme Court by an order dated 26th July, 2024 passed in SLP (C) Nos. 15490–15491 of 2024.

The Learned Senior Counsel for the parties further submit that they are agreeable to referring the present dispute also to the same Learned Arbitrator as a fresh reference and consent to the present application being treated as an application under Section 17 of the Arbitration and Conciliation Act, 1996 before the Learned Arbitrator.

Mr. Saha, Learned Senior Counsel appearing on behalf of the Petitioners, however, submits that since the present dispute arises from a separate and distinct cause of action, a fresh reference is required to be

entered into before the Learned Arbitrator. In this regard, the Petitioners have already issued a notice under Section 21 of the Arbitration and Conciliation Act, 1996 dated 17.05.2026 invoking arbitration in respect of the present dispute arising out of the Partnership Deed dated 18.07.2019.

Learned Senior Counsel appearing on behalf of the Respondents submits that the present dispute may be treated as a separate and independent cause of action before the same Learned Arbitrator and consents to the adjudication of the present dispute by the said Learned Arbitrator as an independent reference, since the show cause notice dated 13.04.2026 gives rise to a distinct dispute between the parties.

Accordingly, with the consent of the parties, this Court appoints Justice Indira Banerjee (Retired) in terms of Section 11(6) of the Arbitration and Conciliation Act, 1996, as the sole arbitrator to adjudicate the disputes arising out of the show cause notice dated 13.04.2026, including the consequential action relating to the expulsion of the Petitioners culminating in the communication dated 11.05.2026. The present dispute is permitted to be treated as a separate and independent reference to be adjudicated by the said Learned Sole Arbitrator.

The learned Sole Arbitrator shall be entitled to fix his remuneration in terms of the Fourth Schedule of the said Act.

The present application under Section 9 of the Arbitration and Conciliation Act, 1996, along with the supplementary affidavit filed therein, shall be treated as an application under Section 17 of the said Act before the Learned Sole Arbitrator, to be considered and decided in accordance with law.

With the aforesaid direction, the present petition stands disposed of.

(GAURANG KANTH, J.)

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