

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

RVWO/21/2025
IA NO: GA-COM/1/2025
TATA CAPITAL LIMITED
VS
Sheo Narayan Singh and Anr

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 3rd February, 2026.

Appearance:
Mr. Avishek Guha, Adv.
...for the petitioner
Mr. Animesh Paul, Adv.
...for the respondents

The Court: This application cannot be entertained. The petitioner has failed to make out a case for review of the order dated June 23, 2025. The petitioner appointed an arbitrator unilaterally and then withdrew from the proceeding upon giving instruction to the learned advocate. The specific instruction of the petitioner to the learned advocate was that, as the arbitral proceeding was continuing for more than one year, Tata Capital Limited did not want to continue with such arbitration until and unless it was being contested. Learned arbitrator recorded that the learned advocate prayed for withdrawal of the reference and the learned arbitrator in view of the stand taken, recorded such withdrawal and terminated the arbitration proceeding. In the opinion of this Court, the termination was under Section 32 of the Arbitration and Conciliation Act, 1996. Thus, the further prayer of the petitioner for appointment of a arbitrator on the selfsame issue, upon having withdrawn

from the proceeding and upon inviting a termination of the proceeding by the erstwhile arbitrator, could not be permitted. The petitioner could not avail of the provision of Section 11 once again. Had it been a case of recusal or had the learned arbitrator been unable to perform his duty and recorded so, in that event a second application would be maintainable. Even if the petitioner withdrew, with liberty to file afresh on the self-same issue, the matter would be different.

The application is accordingly dismissed.

However, this order will not prevent the petitioner from seeking any clarification from the erstwhile arbitrator, if the same is permissible in law.

(SHAMPA SARKAR, J.)