

ORDER

OCD - 443

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

EC-COM/322/2024
KOTAK MAHINDRA BANK LIMITED
VS
NISHANT JHAJHARIA AND ANR

BEFORE
HON'BLE JUSTICE GAURANG KANTH
Date: May 21, 2026.

Appearance:-
Ms. Shrayashee Das, Adv.
Mr. Tridibesh Dasgupta, Adv.
Ms. Anukriti Agarwal, Adv.
Ms. Swagata Ghosh, Adv.
...for 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In view of the aforesaid submission, the present execution petition is dismissed as withdrawn, with liberty reserved in favour of the award holder to initiate fresh arbitral proceedings before a duly and validly constituted Arbitral Tribunal, appointed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.)