

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

EC-COM/442/2024

M/S CHOLAMANDALAM INVESTMENT AND
FINANCE COMPANY LIMITED
VS

UTKAL TYPE FOUNDRY AND MACHINERIES PVT LTD AND ANR

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH

Date : 21st May, 2026.

Appearance:

Mr. Ranjit Singh, Adv.

Mrs. Tultul Das, Adv.

Mr. Amar Singh, Adv.

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In view of the aforesaid submission, the present execution petition is dismissed as withdrawn, with liberty reserved in favour of the award holder to initiate fresh arbitral proceedings before a duly and validly constituted Arbitral Tribunal, appointed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