

ITEM NO.21 Court 13 (Video Conferencing) SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).3269-3270/2021

(Arising out of impugned final judgment and order dated 03-02-2021 in APOT No. 6/2021 03-02-2021 in GA No.1/2021 passed by the High Court At Calcutta)

MANJAN DEVI PATNI & ORS. Petitioner(s)

VERSUS

MOHANLAL AGARWAL & ORS. Respondent(s)

(IA No.26836/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 26-02-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Hiren Dasan, AOR
 Mr. Rajeev Kr. Jain, Adv.
 Mr. Chand Qureshi, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Issue notice returnable in six weeks.

Prima facie, the application filed by the Respondents under Section 34 of the Arbitration and Conciliation Act, 1996 is barred by limitation, the same having been filed in the High Court well beyond four months from the date of the receipt of the Award. The learned Single Bench has, by a reasoned judgment rejected the claim of the Respondents to

the benefit of Section 14 of the Limitation Act, 1963.

Even assuming that the proceedings under Section 34 of the Arbitration and Conciliation Act, 1996 in the District Court, were instituted bona fide there could be no bona fide reason for pursuing a Civil Revision Application from the reasoned order of the District Court returning the application under Section 34 for presenting the same before the appropriate Court instead of re-filing the application under Section 34 in the Original Side of the High Court, the respondents filed a Civil Revisional Application, and thereby caused delay.

By the impugned order, the execution of the Award has been stayed without any direction for securing the dues of the Award holder. There shall be stay of operation of the order impugned.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master