

(2018) 05 CAL CK 0035
In the Calcutta High Court
Case No : EC No.160 of 2018

MAGMA FINCORP LIMITED

APPELLANT

Vs

SAROJ KUMAR NATH & ANR.

RESPONDENT

Date of Decision : 08-05-2018

Acts Referred:

Arbitration and Conciliation Act, 1996 — Section 17, 17(2)

Citation : (2018) 05 CAL CK 0035

Hon'ble Judges : SOUMEN SEN J

Bench : Single Bench

Advocate : Swatarup Banerjee, K. K. Pandey

Judgement

The Court : This is an application for enforcement of an order passed under Section 17 of the Arbitration and Conciliation Act, 1996. The petitioner

moved an application before the Arbitrator seeking certain interim reliefs. In the said proceeding an ex parte ad interim order was passed on 12th

January, 2018 appointing an officer of the petitioner as the Custodian over and in respect of the asset financed by the petitioner. The said order was

communicated to the respondents on 9th February, 2018.

Thereafter the interim order was confirmed by an order dated 26th February, 2018. It further appears that the hearing of the arbitration matter was

concluded by the Arbitrator on 26th February, 2018. The award has not yet been published.

The petitioner seeks enforcement of the order dated 12th January, 2018 under Section 17(2) of the Act. The petitioner says that the order under

Section 17 of the Act is not under challenge. The respondents also did not appear to have filed their statement of defence before the Arbitrator.

