
(2012) 10 CAL CK 0009
In the Calcutta High Court
Case No : Writ Petition No. 23574 (W) of 2012

Sri Amit Kumar Choudhury	Vs	APPELLANT
State of West Bengal and Others		RESPONDENT

Date of Decision : 18-10-2012

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2012) 10 CAL CK 0009

Hon'ble Judges : Jayanta Kumar Biswas, J

Bench : Single Bench

Advocate : Gobinda Ghosh, for the Appellant; Pantu Deb Roy for the State, for the Respondent

Final Decision : Dismissed

Judgement

Hon"ble Mr. Justice Jayanta Kumar Biswas

1. The petitioner in this WP under art. 226 of the Constitution dated October 12, 2012 is seeking the following principal relief:-

a) A writ or in the nature of Mandamus directing and commanding the respondents concerned to start immediately Arbitration proceeding to resolve the difference/dispute which arises in between the Petitioner and Respondents authorities so that the interest of both parties can not hamper or refund security amount of Rs. 2,00,000/- along with Rs. 1,10,000/- (Rupees one lakes ten thousand) for monthly maintenance expense and garage rent.

Mr. Deb Roy appearing for the respondents questions the maintainability of the WP. In response Mr. Ghosh appearing for the petitioner submits that since taking advantage of the arbitrator"s inaction the respondents have taken possession of the vehicle in question, the petitioner is entitled to move the Writ Court under art. 226.

2. It is not disputed that pursuant to the arbitration agreement between the

petitioner and the Corporation and consequent upon disputes and differences between them an arbitrator has been appointed, and that the arbitration proceeding is pending. Hence the petitioner's remedy, if any, was under ss. 9 and 17 of the Arbitration and Conciliation Act, 1996. He is not entitled to move the Writ Court under art. 226. For these reasons, the WP is dismissed. No costs. Certified xerox.