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CO 1189 of 2017

State of West Bengal & Ors.

Vs.

Associated Contractors

Mr. Dhiraj Trivedi

Mr. Aditya Singh

..for the Petitioners

The petition demonstrates the manner in which the State of West Bengal functions in courts.

A petition to challenge an arbitral award was inexplicably carried to Jalpaiguri though, by virtue of Section 42 of the Arbitration and Conciliation Act, 1996, it had to be filed on the Original Side of this court. The petitioners needlessly stretched the point of law and used taxpayers' money by way of a luxury special leave petition to the Supreme Court. The matter was conclusively decided by the Supreme Court on September 10, 2014 and the petitioners claim to have applied in March, 2015 for the return of the papers by the Jalpaiguri court so that the petition under Section 34 of the Act of 1996 could then be filed in this court.

The immediate grievance is that the relevant papers have not been returned by the Jalpaiguri court.

In view of the order proposed to be made, no previous service is required to be effected on the opposite party. The petitioners will, however, be obliged to forward copies of the petition and this order to the opposite party as expeditiously as possible.

The District Judge, Jalpaiguri is requested to ensure that the papers pertaining to Misc. Judicial Case No.35 of 2004 (Arbitration) are returned to the petitioners upon a photocopy thereof being preserved in the records of the court. However, the papers may not be of much use to the petitioners since the delay in the interregnum has to be counted against the petitioners and the petitioners deemed to have abandoned the challenge to the arbitral award.

CO 1189 of 2017 is disposed of.

There will be no order as to costs.

Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sanjib

Banerjee, J.)

