



**THE HIGH COURT OF SIKKIM : GANGTOK**  
**(Civil Appellate Jurisdiction)**

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**S.B.: HON’BLE MR. JUSTICE SATISH K. AGNIHOTRI, CJ.**  
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**Arb. A. No. 01 of 2017**

United Spirits Ltd.,  
Registered office at UB Tower,  
24, Vittal Mallya Road,  
Bangalore-5600 000, Karnataka.

... Appellant.

**versus**

Mount Distilleries Limited,  
Registered office at P.S. Road,  
Gangtok-737 101, Sikkim.

... Respondent

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Appearance:

Mr. Dhruba Ghosh, Sr. Advocate with Mr. Sarathi Das Gupta, Mr. Supriyo Singh and Mr. Thupden Youngda, Advocates for the Appellant.

Mr. A.K. Upadhyaya, Sr. Advocate with Ms. Aruna Chettri and Mr. Kawong Bhutia, Advocates for the Respondent.  
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**ORDER ( O R A L )**  
**(12.08.2017)**

**Chief Justice**

Feeling aggrieved by the order dated 07<sup>th</sup> July 2017, whereunder an ex-parte interim order was passed in an application made under Section 9 of the Arbitration and Conciliation Act, 1996 (for short "the Act of 1996"), the appellant herein, who was the respondent in the arbitration case pending on the file of the District Judge, East Sikkim at Gangtok, has come up with the instant appeal under Section 37 of the Act of 1996, questioning the legality of the order on several grounds, *inter alia*, the order was passed without having jurisdiction.

**2.** The respondent herein, the petitioner therein, is represented through Mr. A.K. Upadhyaya, learned Senior Counsel with Ms. Aruna Chettri and Mr. Kawong Bhutia, learned Advocates.

**3.** On perusal and consideration of the submissions advanced by the learned counsel appearing for the parties, it appears that the ex-parte order was passed at the notice of motion stage, which normally remains effective till the next date of hearing after service on other side. The next date of hearing is fixed on 28<sup>th</sup> August, 2017.



**4.** Learned counsel appearing for the appellant submits that a direction may be issued to the learned District Judge to decide the case on the next date of hearing and the respondent herein will not take any adjournment on any score. In the meantime, the parties will complete the pleadings, if desirable.

**5.** Mr. Upadhyaya, learned Senior Counsel concurs with the submission of the learned Senior Counsel appearing for the appellant herein and submits that the petitioner therein is ready and willing to participate in the hearing on the next date.

**6.** In such view of the matter, I am not inclined to interfere with the order at this stage. Without expressing any opinion on the merit of the case, liberty is reserved to both the parties to place their respective cases before the concerned Court on the issue.

**7.** With the aforesaid observations, the appeal stands disposed of.

Chief Justice  
12.08.2017

jk/pm Index : Yes / No  
Internet : Yes / No