

OD-14

APO No.22 of 2019  
GA No.2297 of 2018  
In  
AP No.1988 of 2014

IN THE HIGH COURT AT CALCUTTA

Civil Appellate Jurisdiction

ORIGINAL SIDE

ANANDA PAUL  
Versus  
SMT. SABITA BANERJEE

BEFORE:

The Hon'ble JUSTICE SANJIB BANERJEE

The Hon'ble JUSTICE SUVRA GHOSH

Date : 31st January, 2019.

Appearance:

Mr. S. Samanta, Adv.

Mr. B. Samanta, Adv.

Mr. Tanmoy Mukherjee, Adv.

Mr. Amal Kumar Saha, Adv.

Mr. I. Paul, Adv.

The Court : The appeal is directed against an order dated January 29, 2018 by which an attempt to revive a request under Section 11 of the Arbitration and Conciliation Act, 1996 has been rejected.

By an order dated June 22, 2015, the appellant's request under Section 11(6) of the Act of 1996 was dismissed for default and by an order dated August 6, 2015, the appellant's application for recalling the order dated June 22, 2015 was dismissed in the presence of representation on behalf of the appellant. By a subsequent application,

the appellant sought recalling of the orders dated June 22, 2015 and August 6, 2015. Prayers were also made for recalling other orders of August 7, 2015 and August 11, 2015.

The relevant application was dismissed by the arbitration court on the ground of lack of bona fides on the part of the appellant herein.

The matter pertains to arbitration and Section 37 of the Act of 1996 provides what matters may be carried in appeal. Since an application for recalling an order for dismissal of a petition or an application for recalling the dismissal of an order for recalling the original order of dismissal is not recognised as an appellable order in Section 37 of the Act of 1996, the present appeal is not maintainable. As such, the merits of the matter have not been addressed.

APO No.22 of 2019 and GA No.2297 of 2018 are dismissed as not maintainable.

There will be no order as to costs.

(SANJIB BANERJEE, J.)

(SUVRA GHOSH, J.)

bp.