

DL-2

18.09.2026
Court No.37
[Bench ID-**266446**]
(AD)

(Disposed of)

In the High Court at Calcutta

Civil Appellate Jurisdiction
Commercial Appellate Division
Appellate Side

AO-COM 42 of 2026
with
IA No.: CAN 1 of 2026

M/s. Grewal Auto Service, a partnership firm & Ors.
Vs.

Bharat Petroleum Corporation Limited

Mr. Rajarshi Dutta, Advocate
Mr. Sashwat Nayak, Advocate
Mr. Aayush Sharma, Advocate

... for the appellants

Mr. Sanjib Kumar Mal, Advocate
Ms. Shomrita Das, Advocate
Mr. Shomrik Das, Advocate

... for the respondent

1. This appeal is directed against an order dated August 25, 2026 passed in Misc. Arb (Com)-56/2026 by the learned Commercial Court at Rajarhat.
2. By the impugned order, learned Judge refused to grant *ad interim* order of injunction as prayed for by the appellants.
3. Learned Advocate appearing for the appellants submits that the appellants are licensee under the respondent. Appellants run a retail outlet at a particular premises as a licensee of the respondent.
4. Learned Advocate appearing for the appellants submits that the respondent is a lessee under the Syama Prasad Mookerjee Port, Kolkata. Apparently, the respondent suffered an order of

eviction. Such order of eviction was stayed by the High Court. He submits that, the respondent in turn, purported to terminate the contract between the appellants and the respondent with regard to the retail outlet. He submits that, the appellants are entitled to interim protection otherwise, the entire arbitration would be infructuous.

5. Respondent is represented.
6. Learned Advocate appearing for the respondent submits that, in violation of the contract, the appellants are misutilizing the premises concerned. He submits that, in addition to running a retail outlet, the appellants are running a fast food centre and maruti service centre. It is in respect of last two businesses that the order of termination was issued.
7. Learned Judge refused to pass *ex parte ad interim* order considering the averments made in the application.
8. As noted above, we do not find that, the appellants should be protected at the *ad interim ex parte* stage as prayed for. The defence sought to be raised by the respondent need evaluation by the learned Trial Judge.
9. In such circumstances, we do not find any reason to interfere with the order impugned.
10. All points raised by the parties are kept open.
11. It is clarified that, we recorded the respective

submissions and made our observations for the purpose of evaluating the refusal to grant *ex parte ad interim* order.

12. No observations made by us will prejudice any of the parties in the injunction petition.
13. Needless to say that the learned Judge will not be influenced by the recording made in the order impugned as also by the observations made by us.
14. **AO-COM 42 of 2026** and **IA No.: CAN 1 of 2026** are **disposed of** without any order as to costs.

(Debangsu Basak, J.)

(Aryak Dutt, J.)