

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

AP No. 73 of 2020

DHARAMSINH RAJPUT
VERSUS
QUIPPO OIL AND GAS INFRASTRUCTURE LIMITED

BEFORE:

The Hon'ble JUSTICE ASHIS KUMAR CHAKRABORTY

Date : 15th December, 2020.

Appearance:
Mr. Debanik Banerjee, Adv.
Mr. Debrup Bhattacharyya, Adv.
Mr. Ritesh Kumar Ganguly, Adv.
Mr. Steven Sourodip Biswas, Adv.

Mr. Rishad Medora, Adv.
Mr. Soumava Mukherjee, Adv.

The Court : In this application under Section 11 of the Arbitration & Conciliation Act, 1996 (in short, "the Act of 1996") the petitioner has prayed for appointment of an Arbitrator to adjudicate the disputes arisen between the parties herein relating to the service agreement dated March 1, 2019 (hereinafter referred to as the "said agreement").

Admittedly, Clause 20 of the said agreement contemplates all disputes arisen between the parties thereto relating to or out of the said agreement shall be adjudicated by an Arbitrator to be nominated by the present respondent.

The peculiar feature of this application is that it is the present respondent who issued the notice dated January 2, 2020 to the present petitioner under Section 21 of the Act of 1996

requesting the latter to agree to the appointment of the Arbitrator named by the former. The present petitioner, however, did not accept the person nominated by the present respondent before the sole Arbitrator and has filed the present application.

In the present case, the existence of the arbitration agreement between the parties as well as the invocation of the arbitration agreement by them is not in dispute. The parties have, however, failed to appoint the Arbitrator as contemplated under the arbitration agreement. Thus, the present application is allowed.

Mr. Abhijit Chatterjee, Senior Advocate of Bar Library Club (First Floor), High Court at Calcutta is appointed as the sole Arbitrator to adjudicate the disputes between the parties relating to the said agreement dated March 1, 2019.

The Arbitrator shall be entitled to fix his fees as per the Fourth Schedule to the Act of 1996. The Arbitrator shall also be entitled to engage the secretarial staff whose remuneration shall be borne by the parties in equal shares.

With the above directions, the application, AP No.73 of 2020 stands disposed of. There shall, however, be no order as to costs.

Urgent certified website copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(ASHIS KUMAR CHAKRABORTY, J.)