

AP No. 290 of 2020
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

M/S. BHADORA INDUSTRIES PRIVATE LIMITED
Versus
SPML INFRA LTD.

BEFORE:

The Hon'ble JUSTICE ASHIS KUMAR CHAKRABORTY

Date : 16th December, 2020

Mr. Kushal Paul, Advocate
Mr. Saptarshi Dutt, Advocate
... for the Petitioner

Mr. S. Choudhury, Advocate
Mr. Tanuj Kakrania, Advocate
... for the Respondent

The Court : The petitioner has filed this application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (in short, “the Act of 1996”) for appointment of a sole Arbitrator to adjudicate the disputes between the parties relating to the purchase order bearing no.C070/4500011842, dated November 28, 2018 (hereinafter referred to as the “said purchase order”). Clause 18 of the

said purchase order issued by the respondent in favour of the petitioner contemplated that all disputes and differences arising between the parties thereto shall be adjudicated through arbitration under the Act of 1996.

Disputes having arisen between the parties by communication dated April 22, 2020, the respondent appointed a former Judge of this Court as the Arbitrator to adjudicate the disputes between the parties. After holding certain arbitral sittings of the arbitral proceeding, the Arbitrator informed the parties that he has conducted some arbitral proceedings where the present respondent was the claimant. Thereafter, the present respondent informed the Arbitrator that he does not wish to continue with the arbitration proceeding before him. During the arbitral sitting held on September 15, 2020, the Arbitrator recused himself from the arbitral proceeding. The petitioner, as well as the respondent have expressed their eagerness to have their respective claims and counter-claims be adjudicated through a new Arbitrator. Accordingly, Mr. Justice Ranjit Kumar Bag, a former Judge of this Court is appointed as the Sole Arbitrator to adjudicate the disputes between the parties relating to the said purchase order dated November 28, 2018.

The Arbitrator shall be free to fix his remuneration, which shall be borne by the parties in equal shares. He shall also be entitled to engage the secretarial staff whose remuneration shall be paid by the parties in equal shares.

With the above direction, the application AP No. 290 of 2020 stands disposed of.

There shall, however, be no order as to costs.

(ASHIS KUMAR CHAKRABORTY, J.)