

ORDER SHEET
AP NO. 36 OF 2021
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

KAMARHATTY CO. LTD.
Versus
KESSELS ENGINEERING PVT. LTD.

BEFORE:
The Hon'ble JUSTICE ARIJIT BANERJEE
Date : 10th February , 2021

Appearance :
Mr. Nilay Sengupta,
Mr. Sujit Banerjee, Advs.,
for the petitioner.

Mr. Sarathi Dasgupta, Adv., for the
respondent.

The Court : By an order dated January 27, 2020 passed in AP No.426 of 2019, the Arbitral Tribunal was constituted by appointing the two nominees of the parties and Justice Jyotirmoy Bhattacharya, former Chief Justice of this Court, as the Presiding Arbitrator.

Mr. Sengupta, appearing for the petitioner in this application under Section 11(6) of the Arbitration and Conciliation Act, 1996, submits that after the order dated January 27, 2020 was passed, the arbitrator nominated by the respondent resigned. Thereafter, the petitioner has been writing to the respondent for nominating another person in place and stead of the person who resigned as arbitrator. Not having received any positive reply from the respondent, the present application has been filed.

Mr. Sengupta further points out that after filing of this application, the respondent has nominated Sri Justice Rajesh Tandon, a former Judge of the Uttarakhand High Court, as its nominee Arbitrator. Justice Tandon has also consented to act as Arbitrator.

In view of the aforesaid, although 30 days period might have expired after request was made by the petitioner to the respondent for appointing its nominee arbitrator, I am inclined to accept the appointment of Justice Tandon as a Member of the Arbitral Tribunal.

In view of the above, AP No.36 of 2021 stands disposed of.

All other directions in the order dated January 27, 2020 shall stand as they are.

(ARIJIT BANERJEE, J.)

S.Das
AR[CR]