

OD-13

ORDER SHEET
AP 44 OF 2021
IN THE HIGH COURT AT CALCUTTA
Original Civil Jurisdiction
ORIGINAL SIDE

M/S. TIMBCON
VERSUS
KOLKATA POINT TRUST

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
Date : 17TH March, 2021.

Appearance:
Mr. Soumen Das, Adv.
....For the Petitioner

Mr. Probal Mukherjee, Adv.
Mr. Ashok Kumar Jena, Adv.
...For the Respondent

The Court : Affidavits filed in Court be taken on record.

By this application under Section 11(6) of the Arbitration and Conciliation Act, 1996, the petitioner seeks appointment of an arbitrator.

It appears from the records that, the petitioner participated in a tender of the respondent. The petitioner was awarded a contract. Disputes and differences arose between the parties in relation with the contract. There is an arbitration agreement governing the contract.

The parties do not dispute the existence of an arbitration agreement and that the disputes are governed by the arbitration agreement.

By a letter dated September 25, 2020 the petitioner invoked the arbitration agreement. The respondent did not appoint the arbitrator.

In such circumstances, it would be appropriate to appoint Mr. Sarathi Dasgupta, Advocate as the arbitrator. The arbitrator will be entitled to consolidated remuneration of Rs.80,000/- to be paid by the parties in equal shares. The parties will bear the costs and expenses of the arbitration.

The parties will inform the learned arbitrator of this order.

AP No. 44 of 2020 is disposed of accordingly.

(DEBANGSU BASAK, J.)

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