

ORDER SHEET
AP 60 OF 2021
IN THE HIGH COURT AT CALCUTTA
Original Civil Jurisdiction
ORIGINAL SIDE

CALCUTTA ENGINEERS AND BUILDERS PVT. LTD.
VERSUS
MOUNTHILL REALTY PVT. LTD.

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
Date : 4TH MARCH, 2021.

Appearance:
Mr. Debraj Sahu, Adv.
Mr. Snehashis Sen, Adv.
....For the Petitioner

Mr. Suman Banerjee, Adv.
Ms. Anusuya Basu, Adv.
Ms. Susmita Sen, Adv.
...For the Respondent

The Court : The parties enter into a contract described as a letter of award where under, the petitioner was awarded civil work for Substructure, Super structure and Architectural work for the proposed construction of Residential Towers in Block 1 and 2 at Mouza- Kalaberia, Rajarhat, Kolkata- 700135

The letter of award contains an arbitration clause.

Disputes and differences arose between the parties.

The petitioner made a reference under Section 21 of the Arbitration and Conciliation Act, 1996 on October 19, 2020 suggesting that the respondent agrees to the appointment of any of the arbitrators named in the panel of three arbitrators.

The respondent is represented.

The existence of the arbitration agreement is not disputed. The receipt of the notice under Section 21 of the Act of 1996 is also not disputed.

Learned Advocate appearing for the respondent submits that, the Court may be pleased to appoint any of the persons named in the letter of invocation dated October 19, 2020 as the arbitrator.

In such circumstances, the Hon'ble The Chief Justice Jyotirmay Bhattacharya (Retired) who is one of the retired Judges named in the letter of invocation is appointed as the arbitrator to arbitrate the disputes between the parties.

Learned Arbitrator is at liberty to fix his remuneration. The parties will bear the costs, charges and expenses of the arbitration. The parties will communicate this order to the Learned Arbitrator.

Since the respondent did not use any affidavit the allegation made in the petition deem to be denied.

AP No.60 of 2021 is disposed of.

(DEBANGSU BASAK, J.)