

ORDER SHEET

OD-13

AP No. 84 of 2021
IN THE HIGH COURT AT CALCUTTA
ORIGINAL CIVIL JURISDICTION

SERAJ ALI SEPAI @ SERAJ SEPAI.
VERSUS
GULZAR SEPAI & ANR.

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
Date: 25th March, 2021.

(Via Video Conference)

Appearance:
Mr. Utpal Majumdar, Adv.
Mr. Teesham Das, Adv.

Mr. Avik Dutta, Adv.
Mr. Sk. Ainul, Adv.
Ms. Mandeep Kaur, Adv.

The Court :- In this application under Section 11[6] of the Arbitration and Conciliation Act, 1996, the petitioner seeks appointment of an arbitrator.

Learned Advocate appearing for the petitioner submits that, the disputes relate to a partnership firm. The petitioner filed a civil suit being Title Suit No. 958 of 2017 before the learned VIIth Bench, City Civil Court at Calcutta where the respondents had filed an application under Section 8 of the Arbitration and Conciliation Act, 1996 for referring the disputes to arbitration. Such application was allowed by the order dated July 1, 2019. The petitioner thereafter issued a notice under Section 21 of the Act of 1996, on September 6, 2019. The same was received by the respondent as appearing from the postal document.

Learned Advocate appearing for the respondent submits that, the respondent did not receive the notice under Section 21 of the Act of 1996.

The existence of the arbitration agreement is not disputed. There is an order passed by the City Civil Court referring the disputes between the parties to the arbitration. The parties are unable to agree to the appointment of an arbitrator outside Court.

Therefore, it would be appropriate to appoint an arbitrator in terms of the arbitration agreement contained in the deed of partnership dated July 1, 2002.

In such circumstances, Ms. Vineeta Meharia, Advocate, Bar Library Club, High Court, Calcutta, is appointed as Arbitrator in terms of the arbitration agreement. The learned Arbitrator is at liberty to fix her remuneration to be shared by the parties equally. The parties will bear their costs and expenses of the arbitration in equal share.

The parties are at liberty to inform the learned Arbitrator of this order.

AP No. 84 of 2021 is disposed of accordingly.

(DEBANGSU BASAK, J.)