

HIGH COURT AT CALCUTTA
(ORIGINAL SIDE)

AP/95/2021

(Through Video Conferencing)

INTERNATIONAL COIL LIMITED

....Applicant(s)

Through : Mr. Avijit Chakraborty, Advocate

V/s

THE WEST BENGAL POWER DEVELOPMENT CORPORATION
LIMITED

....Respondent(s)

Through : Mr. Sarvapriya Mukherjee, Mr. Arnab
Sardar, Mr. Ratul Das, Advocates

Coram : HON'BLE MR. RAJESH BINDAL, CHIEF JUSTICE (ACTING)

O R D E R

1. The present application has been filed for appointment of an arbitrator on account of the dispute arising out of an agreement executed between the parties on April 19, 2018.

2. The Settlement of Dispute clause in the contract agreement entered into between the parties, which has not been disputed, reads as under:-

“Article 6. SETTLEMENT OF DISPUTES

6.1. It is specifically agreed by and between the parties that all the differences or disputes arising out of the Agreement shall be decided by process of Settlement of Dispute and Arbitration as specified in Clause No.3.6 of Section-III of the General Conditions of Contract (GCC) of Tender Specification.”

3. The arbitration clause in the General Conditions of Contract which is part of NIT, which is not disputed, reads as under:-

“If any dispute(s) or difference(s) of any kind whatsoever arise between parties hereto in connection with or arising out of this contract, the parties hereto shall negotiate with a view to its amicable resolution and settlement. In the event no amicable resolution or settlement is reached within a period of thirty (30) days from the date on which the dispute(s) or difference(s) arose, such dispute(s) or difference(s) shall be referred to and settled by arbitrator and may be selected by both the parties.”

4. Learned counsel for the parties are agreeable that for settlement of dispute, Justice Tapen Sen (Retired) be appointed as arbitrator.

5. The prayer of the learned counsel for the parties is accepted and Justice Tapen Sen (Retired), resident of “Pearl Kalyani Mansion”, AC-238, Street No.39, Action Area-1, New Town, Rajarhat, Kolkata - 700156 (Mobile: 9830929728) is appointed Arbitrator for settlement of dispute between the parties.

6. Affidavit-in-opposition filed by the learned counsel for the respondent is taken on record.

7. The application stands disposed of.

KOLKATA
17.09.2021
sm/s.kumar

(RAJESH BINDAL)
CHIEF JUSTICE (ACTING)