

ORDER SHEET

AP/99/2021

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

M/S. R.C. BHARAT GAS
VERSUS
BHARAT PETROLEUM CORPORATION LIMITED AND ORS.

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
Date: 9th March, 2021.

(Via Video Conference)

Appearance:
Mr. Sudeep Pal Chowdhury, Adv.
Ms. Saswati Sikder, Adv.
Ms. Diya Nandi, Adv.

Mr. Puspendu Chakraborty, Adv.
Mr. Suman Dey, Adv.

The Court: In this application, under Section 11 of the Arbitration and Conciliation Act, 1996, the petitioner seeks appointment of an Arbitrator.

Learned advocate appearing for the petitioner submits that the respondent nos.2 and 3 are unnecessary in this petition.

The respondent Nos. 2 and 3 are employees of the respondent No. 1. They are agents of a disclosed principal. They are neither necessary nor proper parties to this proceeding.

Learned advocate appearing for the respondents submits that in the event the petitioner seeks for appointment of Arbitrator, the respondents will not object thereto.

In the facts of the present case, the petitioner and the respondents entered into a memorandum of agreement dated November 16, 2012 containing an arbitration clause.

As noted above, the respondent does not dispute the existence of the arbitration clause in the memorandum of agreement dated November 16, 2012.

The petitioner invoked the arbitration clause by a writing dated October 30, 2020.

In such circumstances, it would be appropriate to appoint Mr. Kaushik Chowdhury, Advocate, Bar Library Club, as the Arbitrator. The learned Arbitrator is at liberty to fix his remuneration. The parties will bear the costs, charges and expenses of the arbitration.

The parties will inform the learned Arbitrator of this order.

AP/99/2021 is disposed of accordingly.

(DEBANGSU BASAK, J.)