

ORDER SHEET

AP 111 of 2021
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

MR SUBRATA SAHA AND ANR
VS
BHARTI AIRTEL LIMITED

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
Date: 24th March, 2021.

(Via Video Conference)

Ms. Amrita Pandey, Adv.
...for the petitioner
Mr Debnath Ghosh,
Mr. Atish Ghosh,
Mr. Arindam Chandra, Adv.
...for the respondent

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

There exists an arbitration agreement between the parties. The petitioner invokes such arbitration agreement on May 27, 2014. The petitioner filed an application for appointment of an arbitrator under Section 11(6) of the Act of 1996 on February 26, 2021.

In view of 2021 SCC Online SC 207 (Bharat Sanchar Nigam Limited vs. Nortel Network India Pvt. Ltd.) and a period in excess of three years having elapsed from the date of invocation of the arbitration agreement on May 27, 2014 till the filing of the present application, the claim for arbitration is barred by the laws of limitation.

AP 111 of 2021 is dismissed without any order as to costs.

(DEBANGSU BASAK, J.)

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