

AP/121/2021
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

CUPRUM BAGRODIA LTD.
VERSUS
GAINWELL COMMOSALES PVT. LTD.

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

(Via Video Conference)

Appearance:
Mr. Ranjan Bachawat Sr. Adv.
Mr. Debnath Ghosh, Adv.
Mr. Sakya Sen, Adv.
Ms. Rajshree Kajaria, Adv.
Mr. Uttam Sharma, Adv.

Mr. Anirban Ray, Adv.
Mr. Shaunak Mitra, Adv.
Mr. Anupam Dasadhikari, Adv.

The Court: In this application under Section 11(6) of the Arbitration and Conciliation Act, 1996, the petitioner seeks reference of the disputes to arbitration.

In course of hearing of the petition, the parties agreed that there is an arbitration agreement which is at page 40 Clause 23.3. The parties interpret such arbitration agreement to mean that the parties will appoint one Arbitrator

each and that, the two Arbitrators will nominate the Arbitrator to constitute the arbitral tribunal.

In accordance with such interpretation, the petitioner nominates Mr. Jishnu Saha Senior Advocate as its Arbitrator. The respondents nominates Mr. Samrat Sen Senior Advocate as its Arbitrator. The parties do not object to the respective nominations. They do not object to the interpretation of the arbitration agreement as made by each other.

In such circumstances, it would be appropriate to request the two nominated Arbitrators to nominate the third Arbitrator within a fortnight from date.

The arbitral tribunal is at liberty to fix its remuneration. The parties will bear the costs, charges and expenses of the arbitration.

AP No. 121 of 2021 is disposed of accordingly.

(DEBANGSU BASAK, J.)

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