

OD-25

ORDER SHEET

AP 145 of 2021

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

UNIQUE ENTERPRISES
VS
MUMUSO RETAIL PVT LTD

BEFORE:

The Hon'ble JUSTICE DEBANGSU BASAK

Date: March 24, 2021.

[Via Video Conference]

Appearance:
Mr. Mohit Gupta, Adv.

Mr. Saptarshi Banerjee, Adv.
Mr. Somesh Ghosh, 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 although, the petitioner seeks appointment of an Arbitrator in respect of two agreements, on instruction, he is limiting the prayer for appointment of an Arbitrator to the business conducting agreement.

Learned advocate appearing for the respondent submits, on instruction, that although the venue for arbitration was specified to be Ahmedabad in clause 30 of the agreement but there is another agreement where the arbitration is to take place in Kolkata only. He is waiving the jurisdiction clause so far as the venue is concerned.

In such circumstances, the existence of the arbitration agreement not being denied, and the claim cannot be said to be barred by limitation, at

this stage, it would be appropriate to appoint an Arbitrator in terms of the arbitration agreement entered into between the parties.

Mr. Sarathi Dasgupta, Advocate is appointed as an Arbitrator in terms of the arbitration agreement between the parties.

Learned arbitrator is at liberty to fix his remuneration to be shared equally by the parties.

The parties will also bear the costs and expenses of the arbitration in equal share.

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

AP 145 of 2021 is disposed of accordingly.

(DEBANGSU BASAK, J.)