

**HIGH COURT AT CALCUTTA
(ORIGINAL SIDE)**

AP/160/2021

(Through Video Conferencing)

M/s. SALTEE INFRASTRUCTURE LIMITED

... Applicant(s)

Through: Mr. Rahul Karmakar, Advocate (VC).

v/s

M/s. DHAR REALTORS PRIVATE LIMITED AND 3 OTHERS.

... Respondent(s)

Through: Mr. Aritra Basu with Mr. Somnath Bose,
Advocatesfor Respondent No.1.
Mr. Jibantaraj Das Roy, Advocate for
....for Respondent Nos.2, 3 & 4.

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

ORDER

1. The present application has been filed for appointment of an arbitrator on account of the dispute arising out of a development agreement dated November 7, 2019.

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

“16.1. In the event of any disputes or differences between the Parties hereto regarding the interpretation or application of this Agreement or any part thereof, the Parties shall try to resolve or amicably settle the same through mutual discussions, negotiations, mediation by common friends or arbitration. In case of Arbitration, the Parties shall first mutually try to appoint one sole arbitrator, failing which one Arbitrator each will be nominated by the Owners and the Developer, and the two nominated arbitrators shall appoint an umpire. Any process of arbitration shall be conducted under the prevailing law and rules relating thereto. The decision of such Sole

Arbitrator or Arbitral Tribunal, as the case may be, will be final and binding on both Parties. The Arbitrators will have summary powers and will be entitled to set up their own procedure and the Arbitrators shall have power to give interim award and/or directions. The place of arbitration shall be at Kolkata and the language will be English.”

3. Learned counsel for the parties are agreeable that for settlement of dispute, Justice Bhaskar Bhattacharya (Retired Chief Justice), be appointed as arbitrator.

4. The prayer of the learned counsel for the parties is accepted and Justice Bhaskar Bhattacharya (Retired Chief Justice), resident of 189, Vidyasagar Sarani, Baishali Park, Shakher Bazar, Behala, Kolkata – 700008 (Mobile No.9434239111), is appointed Arbitrator for settlement of dispute between the parties.

5. The application is disposed of.

KOLKATA
26.08.2021
akg/As

(RAJESH BINDAL)
CHIEF JUSTICE (ACTING)