

OD-13

AP No. 259 of 2020
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction

STERLING AND WILSON PRIVATE LIMITED
VS.
M/S. BRIDGE AND ROOF CO. INDIA LIMITED

BEFORE:
THE HON'BLE JUSTICE ARIJIT BANERJEE
Date: February 4, 2021.

Appearance:
Mr. Sanjeev Kr. Tyagi, Adv.

Ms. Neelina Chatterjee, Adv.

The Court: The petitioner has filed this application under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of an independent arbitrator for resolution of the disputes that have arisen between the parties hereto.

There is no dispute that a construction contract which was in the nature of a sub-contract was entered into by and between the parties hereto. It is also not in dispute that the contract between the parties contains an arbitration clause for resolution of disputes between the parties. It is further undisputed that disputes have arisen between the parties.

Under those circumstances, an arbitrator should be appointed for resolution of the differences between the parties. The respondent has no objection if a retired Judge of this Court is appointed as arbitrator.

Accordingly, Justice Dr. Sambuddha Chakrabarti (Retired), a former Judge of this Court is appointed as the sole Arbitrator to adjudicate the disputes that have arisen between the parties relating to the contract in question. The Learned Sole Arbitrator will be free to fix his remuneration and to engage secretarial staff. The fees of the Learned Sole Arbitrator as well as the remuneration of the secretarial staff shall be borne by the parties in equal shares.

Since I have not called for any affidavit-in-opposition, the allegations contained in the petition are deemed not to be admitted by the respondent.

AP No.259 of 2020 is accordingly disposed of.

(ARIJIT BANERJEE, J.)