

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

AP/296/2019

(Through Video Conferencing)

BANI PRASAD SAHA

....Applicant(s)

Through : Mr. Shiv Shankar Banerjee, Advocate
(VC), Mr. Shantanu Chatterjee, Ms.
Sanchita Barman Roy, Advocates.

V/s

ANJANA BORA

....Respondent(s)

Through : (None)

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

O R D E R

1. The present application has been filed for appointment of an arbitrator on account of the dispute arising out of an agreement for assignment dated October 26, 2011.

2. A perusal of the order passed by this Court on December 10, 2020 shows that the matter was adjourned as there were chances for settlement of dispute between the parties.

3. The order passed on February 8, 2021 shows that time was taken by the learned counsel for the respondent to seek instructions as to whether the dispute could be resolved through the process of mediation.

4. The order passed on February 10, 2021 records the stand of the respondent that there is no need to refer the case for mediation as the

respondent is agreeable to pay the dues of the petitioner and time was sought for making such payment.

5. However, when the matter was taken up on March 24, 2021, time was sought for filing affidavit in opposition.

6. Till date, no affidavit has been filed.

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

“12. In case of any dispute or differences between the parties regarding the interpretation of this agreement or for any matter relating to this agreement except the suit for specific performance, the same shall be resolved by a sole arbitrator to be appointed by the consent of the parties. If the parties fail to arrive at a single name, in that case, the sole arbitrator shall be appointed by the Hon'ble High Court at Calcutta. The arbitration shall be held in accordance with the Arbitration and Conciliation Act, 1996 and the seat of arbitration shall be the city of Kolkata and the language would be English.”

8. Considering the stand taken by the respondent earlier and subsequently seeking time to file affidavit in opposition, which has not been filed for more than four months, the present application for appointment of arbitrator is allowed for settlement of dispute between the parties.

9. Justice Aloke Chakraborti (Retired), Uniworld City, Horizons, Tower-4, Flat No.203, Action Area – III, New Town, Rajarhat, Kolkata 700156 (Mobile: 9831644202) is appointed Arbitrator for settlement of dispute between the parties.

10. The application is disposed of.

KOLKATA
10.08.2021
akg/s.kumar

(RAJESH BINDAL)
CHIEF JUSTICE (ACTING)