

HIGH COURT AT CALCUTTA
(Original Side)

A.P. No.292 of 2021
(Through Video Conferencing)

Panda and Associates

... .Petitioner(s)

Through : M/s. Sudip Deb and Riju Ghosh
Advocates, present through VC

v/s

The Bridge and Roof Company (India) Limited

....Respondent(s)

Through : Ms. Neelina Chatterjee,
Mr. Suvodeep Chakraborty
Advocates, present through VC

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

ORDER

1. The present application has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of arbitrator for settlement of disputes between the parties. There are two agreements signed between the parties for two different projects. However, those are stated to be identically worded. Hence, the applicant has filed a common petition for reference of the disputes arising out of both the agreements. To this, objection was raised by learned Counsel for the respondent. He submitted that the present application can be treated only with reference to one agreement. For the other, the applicant may have to file another application, if so advised.

2. At the time of hearing, it was not disputed by learned Counsel appearing for the parties that there is valid arbitration clause in the agreement pertaining to execution of works at Marwa Project. The two contracts were entered into between the parties pertaining to works contract to be executed at Marwa Thermal Power Project and Korba Thermal Power Project in Chhattisgarh.

3. Keeping in view the objection raised by the learned Counsel for the respondent, the present application is treated to be filed with reference to the agreement for Marwa Thermal Power Project. As far as the dispute pertaining to Korba Thermal Power Project is concerned, the applicant shall be entitled to file fresh petition for seeking the relief as is available to him.

4. The Learned Counsel for both the parties have agreed for appointment of Justice Tapan Kumar Dutt (Retd.) as sole arbitrator to resolve the disputes sought to be raised by both the parties. Accordingly, Justice Tapan Kumar Dutt (Retd.), resident of 1/3, Deshpran Sasmal Road, Howrah – 711 101 (Mobile No. 9831066037) is appointed as arbitrator to settle the disputes between the parties.

5. The present application is accordingly disposed of.

6. A copy of this order be sent to Justice Tapan Kumar Dutt (Retd.) by the Registrar General of this Court.

KOLKATA
23.07.2021
PA(SG/RB)

(RAJESH BINDAL)
Chief Justice, Acting