

AP 304 of 2020

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

KAUSHIK MUKHERJEE

Versus

THE STEEL AUTHORITY OF INDIA LIMITED AND ANR.

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE

Date : 15th February, 2021.

Appearance:

Mr. S. S. Roy, Adv.
...for the petitioner.

Mr. Anirban Ray, Adv.
Mr. P. Garai, Adv.
...for the respondents.

The Court : There is no dispute that there was a contract between the parties. The grievance of the petitioner is that certain amounts have been wrongfully deducted from his bills by the respondents. He has filed this application under Section 11(6) of the Arbitration & Conciliation Act, 1996 for appointment of an arbitrator for resolution of the disputes between the parties.

The contract between the parties contains an arbitration clause which contemplates arbitration in accordance with the rules of the Arbitration of Indian Council of Arbitration. Admittedly, no request has been made by the petitioner to the said Council for initiation of arbitration proceedings by appointment of arbitrator. Hence, Mr. Ray, learned advocate appearing for the respondents rightly points out that this application is premature.

At this stage, learned advocate for the petitioner seeks leave to withdraw this application with leave to pursue the appropriate course of action. Such leave is granted.

AP NO.304 of 2020 is dismissed as withdrawn leaving the petitioner free to take such course of action as he may be entitled to in law.

(ARIJIT BANERJEE, J.)

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