

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

AP/444/2013

(Through Video Conferencing)

SMT. INDU SINGH

... Applicant(s)

Through: Mr. Shyamal Kr. Chakraborti, with Mr.
Emon Bhattacharya, Advocates.

v/s

INDIAN FOUNDRY ASSOCIATION & ANR.

... Respondent(s)

Through: Mr. Debjit Mukherjee, Advocate (VC)
with Mr. Lal Ratan Mandal, Ms. Susmita
Chatterjee, Ms. Dipanwita Ganguly, Mr.
Kaustav Bhattacharya and Mr. Somdeb
Maiti, Advocates.

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 a Memorandum of Understanding dated January 14, 2006.

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

“11. ARBITRATION

The Parties shall submit the Dispute for arbitration in accordance with the provisions of the Arbitration and Conciliation Act, 1996. The arbitration proceedings shall be conducted by an arbitral tribunal comprising three arbitrators with each Party appointing one arbitrator. The decision of the tribunal shall be made by majority vote, with each arbitrator having one vote.

The arbitrators shall make a reasoned award and any award made shall be final and binding on the Parties as from the date on which it is made, and the Parties agree to implement and execute such award without delay.

The arbitration proceedings shall be conducted in the English language and in Kolkata or at such other place as may be agreed between the Parties.

The fees and expenses of the arbitrators and all other expenses of the arbitration shall be initially shared and paid by the Parties in equal proportions. The arbitrators may provide in the arbitral award for the reimbursement to the prevailing Party or its costs and expenses in bringing or defending the arbitration claim, including legal fees and expenses incurred by such Party.”

3. Learned counsel for the parties are agreeable that for settlement of dispute, Justice Dilip Kumar Seth (Retired) be appointed as arbitrator.

4. The prayer of the learned counsel for the parties is accepted and Justice Dilip Kumar Seth (Retired), resident of 58/6/1, Thakur Ramkrishna Lane, Howrah- 711 104, (Mobile No.9830929712) 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)