

AP/381/2021
IN THE HIGH COURT AT CALCUTTA
ORIGINAL CIVIL JURISDICTION

G R INFRASTRUCTURE PRIVATE LIMITED
VERSUS
BRIDGE AND ROOF COMPANY (INDIA) LIMITED

BEFORE:
THE HON'BLE CHIEF JUSTICE PRAKASH SHRIVASTAVA
Date: 8th December, 2021.

[Via Video Conference]

APPEARANCE:

Mr. Arijit Basu Advocate
Ms. Sarada Hariharan, Advocate
.....for the applicant
Ms. Neelina Chatterjee, Advocate
Mr. Suvodeep Chakraborty, Advocate
.....for the respondent

The Court:- This application under Section 11 of the Arbitration and Conciliation Act, 1996 has been filed for appointment of arbitrator to resolve the disputes between the parties.

A contract was entered into between the parties in respect of hiring of two Crawler Mounted Cranes by issuance of the work order dated 20th November, 2017. The contract contains following arbitration clause:

“1.24. ARBITRATION

B&R confidently feel that there shall not arise any disputes or differences during execution and completion of the order/Contract by the Contractor(s).

However, in the event of any disputes or differences arise between Company (B&R) and Contractor (hereinafter called the said parties) touching or concerning the interpretation of the terms and conditions as performance of the order / contract or in connection therewith or the rights and liabilities of either of the said parties hereto, the said parties shall endeavor to settle the same amicably through mutual agreement between them, but if the mutual settlement is not possible between the Company & the Contractor, the provisions of the Indian Arbitration & Conciliation Act, 1996 and all statutory re-enactment &

modifications thereof and the rules made there under shall apply to such arbitration.”

A dispute has arisen between the parties, therefore, the notice for appointment of arbitrator was given by the applicant on 11th February, 2020 and no response to the said notice was received, hence the applicant has approached this Court.

Learned counsel for the respondent has not disputed the arbitration agreement but has submitted that some retired High Court Judge be appointed as arbitrator to resolve the disputes between the parties. The said suggestion is not disputed by the counsel for the applicant.

Considering the fact that the arbitration agreement exists between the parties and dispute has arisen and taking note of the submissions made by counsel for the parties, as noted above, AP No.381 of 2021 is allowed by appointing Justice Aloke Chakraborti, a retired High Court Judge as arbitrator to resolve the disputes between the parties.

(PRAKASH SHRIVASTAVA, C.J.)