

AP/520/2019

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction

GOSWAMI CONSTRUCTION CO.

-Versus-

UNION OF INDIA

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE

Date : 4th February, 2021.

Appearance:

Mr. Kamal Kumar Chattopadhyay, Adv.
...for the petitioner.

Mr. Aurobindo Sen, Adv.
Mr. Sutanu Chakraborty, Adv.
...for the respondent.

The Court : The petitioner carries on business of civil construction. Pursuant to a contract entered into with the CPWD, the petitioner did some construction work. The petitioner says that his bills have not been paid till date. Untenable disputes have been raised regarding his bills by CPWD.

The contract between the parties provided for resolution of disputes through arbitration. In terms of the arbitration clause, the Chief Engineer, CPWD, who was in charge of the work appointed an arbitrator from the approved panel for resolution of the disputes. This was sometime in 2018. It is submitted that a new panel of arbitrators has been published by the CPWD vide office memorandum dated January 24, 2020, a copy whereof has been placed before the Court as annexure to the affidavit-in-reply.

Since the arbitrator appointed by the Chief Engineer can no more continue with the arbitration proceedings as he is no more an empanelled arbitrator, a replacement must be provided for. The only submission of learned advocate for the petitioner is that a person from the Eastern Zone should be appointed as arbitrator.

I have also heard Mr. Sen, learned advocate for the respondent. He, in his usual fairness, has left it to the Court to pass an appropriate order.

I find from the new panel of arbitrators that one Mr. Sansar Pattanayak (Serial No.27) residing at Flat No.101, GA-39, Sailashree Vihar, Bhubaneswar-751021, having mobile no.7504213002 is one of the empanelled arbitrators based in the Eastern Zone. Accordingly, I appoint Sri Pattanayak as the arbitrator in place and stead of the erstwhile arbitrator, namely, Mr. A. K. Sharma. The terms and conditions of appointment of Sri Pattanayak will be the same as were applicable for Mr. Sharma. It is desirable that the arbitration proceedings be concluded as expeditiously as possible.

Accordingly, AP No.520 of 2019 is disposed of without any order as to costs.

(ARIJIT BANERJEE, J.)