

CD-10

ORDER SHEET

AP 461/2021

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

SUJOY MUKHERJEE
-VS-
SONALI ROY AND ORS

BEFORE:
The Hon'ble JUSTICE RAVI KRISHAN KAPUR
Date : 15th November, 2021.

[Via video conference]

Appearance

Mr. Sourav Kumar Mukherjee, Adv.
Ms. Anjana Banerjee, Adv.
Mr. Debasish Basu, Adv.

Mr. Angshuman Chakraborty, Adv.
Mr. Ritesh Kr. Ganguly, Adv.

Dr. Madhusudan Saha Roy, Adv.
Mr. Shivaji Mitra, Adv.

The Court : The dispute and differences by and between the parties arise out of a partnership deed dated 13th July, 2013. Clause 20 of the partnership deed provides for an arbitration and is set out hereinbelow:

“That if at any either during the continuance of the partnership or after the retirement of any partner any dispute or difference shall arise between the partners or any one claiming through or under them with regard to the construction or interpretation of any provisions hereof or regarding the accounts or profits/losses of the partnership business or

the rights or liabilities of the parties hereto or as to the winding up of the partnership business or any other matter touching to or arising out of these presents and/or the partnership, business the same shall be referred to the arbitration of one arbitrators if the parties to the dispute agree upon one or two or more arbitrators according to the Arbitration and Conciliation Act, 1996.”

By a letter dated 25th September, 2020, the petitioner had invoked the arbitration clause and sent an initial notice to the respondent no.1 complaining of the disputes and differences between the parties. Thereafter, by a letter dated 15th October, 2020, the petitioner had issued notice under Section 21 of the Arbitration and Conciliation Act, 1996.

By consent of the parties, Mr. Debdut Mukherjee, a member of the Bar Library Club is appointed as the Sole Arbitrator to decide upon the dispute and differences by and between the parties in terms of the aforesaid arbitration clause. He is at liberty to fix his remuneration. The costs of the arbitration would be shared equally by all the contesting parties.

Liberty is granted to the petitioner to pray for appropriate interim relief before the learned Arbitrator as expeditiously as possible in accordance with law.

The petitioner undertakes to withdraw the application being AP 185 of 2021 before the Appropriate Court.

In view of the aforesaid, AP 461 of 2021 stands disposed of.

(RAVI KRISHAN KAPUR, J.)