

ORDER SHEET

AP 749 of 2019
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

VISHRAM VARU AND CO.
VS
UNION OF INDIA

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
Date: 19th March, 2021.

(Via Video Conference)

Mr. Pratip Mukherjee,
Ms. Rima Banerjee, Advs.
...for the petitioner
Mr. Arun Kumar Mishra, Adv.
...for Union of India

The Court: The petitioner seeks appointment of an arbitrator under Section 11(6) of the Arbitration and Conciliation Act, 1996.

The Railways are represented.

The claim is in respect of a work order of April 7, 1982. According to the petitioner, the bills were not settled by the Railways.

The bills may or may not have been settled. However, a period in excess of three years elapsed from the date of the work order of April 7, 1982. Moreover, even going by the statement made in the petition, the work was executed upto August 26, 1985. Taking the date of knowledge of non-settlement of bills to be in 2013, then also, the petition in 2019 is hopelessly barred by limitation.

In such circumstances, AP 749 of 2019 is dismissed.

(DEBANGSU BASAK, J.)

