

ODC-10

AP/518/2021
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

C.E. TESTING COMPANY PRIVATE LIMITED
VS
ROCHITA TOWERS AND ESTATE PVT LTD.

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 14th December, 2021.

Appearance:
Mr. Arnab Mukherjee, Adv.

Mr. Debangshu Dinda, Adv.
Ms. Nikita Khaitan, Adv.

The Court : This is an application for under Section 15 of the Arbitration and Conciliation Act, 1996 for termination of mandate of the Arbitrator and for appointment of a substitute Arbitrator.

The disputes and differences between the parties arise out of an agreement for Sale dated 21 March, 2014 entered into by and between the parties. It is submitted on behalf of the petitioner that notwithstanding having paid the entire consideration, the respondent developer has failed, neglected and refused to give possession of the subject premises and is in violation of the terms and conditions of the Agreement. An Addendum to the agreement also contains an arbitration clause. The arbitration clause has been invoked and a named Arbitrator one Mr. Utpal Santra had been appointed as an Arbitrator in terms of the aforesaid

clause. However, by a letter dated 5 August, 2021 the Arbitrator had expressed his intention not to act as Arbitrator.

I am of the view that since the Arbitrator has withdrawn from his office, the mandate of the Arbitrator has terminated. In view of the aforesaid, Mr. Rudraman Bhattacharyya a member of the Bar Library Club is appointed as a substitute Arbitrator by consent of the parties.

The Arbitrator is at liberty to fix his own remuneration. With the aforesaid directions, AP 518 of 2021 stands disposed of.

Since no Affidavit in Opposition has been filed, the allegations contained in the application are deemed to have been not admitted.

(RAVI KRISHAN KAPUR, J.)