

OD-12

ORDER SHEET
CA 1 OF 2016
CA 516 OF 2016
CA 883 OF 2015
IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

RE: EMTA COAL LIMITED
-AND-
LARSEN & TOUBRO LIMITED

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 30TH JULY, 2021.

Appearance :
Mr. Ratnanko Banerjee, Sr. Adv.
Mr. F. Ghosh, Adv.
Mr. Jeevan Ballon Pande, Adv.
Mr. Rishav Dutt, Adv.
Mr. S. Ghosh, Adv.
...for the petitioner

Mr. Sanjib Mal, Adv.
...for the respondent

The Court: Learned counsel appearing for the applicant/petitioning creditor submits that the prayers in the company application is for stay of the winding up proceeding in the company petition based on an application made by the Company for appointment of an arbitrator in respect of an arbitration clause contained in the contract between the parties dated 12th December, 2008.

Since, learned counsel appearing for the Company is inclined to proceed in terms of the arbitration clause, CP No. 883 of 2015 and CA No. 516 of 2016 is disposed of with a direction on the parties to proceed in terms of the arbitration clause contained in the agreement as stated above.

It is made clear that all the disputes in CP No. 883 of 2015 and CA No. 516 of 2016 together with all claims and counter claims made by the parties. Parties agreed that Justice Jyotirmay Bhattacharya, retired Chief Justice of this Court appointed an arbitrator. Justice Bhattacharya shall be at liberty to fix his remuneration and be entitled to secretarial and other assets. The expanses which shall be equally borne by the parties herein.

CP No. 883 of 2015 and CA No. 516 of 2016 are disposed of in terms of this order. All connected applications are disposed of and interim order, if any, are vacated.

(MOUSHUMI BHATTACHARYA, J.)

Sbghosh