

06.01.2022

Sl. 1

Ct.No. 03

Amalranjan

(Via Video Conference)

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

(COMMERCIAL DIVISION)

FMAT 618 of 2021

University of North Bengal

Vs.

M/s. Greenol Laboratories Private Limited

With

CAN No. 1 of 2021

Mr. Srijib Chakraborty

Mr. Joyjit Chowdhury

Mr. Aditya Mondal

Mr. D. Ray

Mr. Sandip Kumar Singh

...for the appellant

Mr. Probal Kumar Mukherjee, Sr. Adv.

Mr. Aayush Mitruka

Mr. Suresh Kumar Mitruka

...for the respondent

Re: CAN No. 1 of 2021

In terms of the arbitration agreement between the parties, the appellant University of North Bengal has suggested three names out of which one is to be appointed as the learned arbitrator. They are: the Hon'ble Mr. Justice Jyotirmoy Bhattacharya, retired Chief Justice of this Court, the Hon'ble Mr. Justice S.P. Talukdar and the Hon'ble Mr. Justice Ashim Kumar Roy, retired justices.

Mr. Mukherjee, learned senior counsel appearing for the respondent leaves the choice to this court.

From the suggested names, we appoint the first suggested the Hon'ble Mr. Justice Jyotirmoy Bhattacharya, as the learned Arbitrator to adjudicate upon the disputes between the parties which are the subject matter of Section 9 application before the learned court below and the appeal before us and those that may be raised in the statement of claim, counter statement and counter claim etc. before the arbitral tribunal.

The arbitral tribunal is deemed to be constituted today under Section 9 (3) of the Arbitration and Conciliation Act, 1996. The arbitration shall be conducted in accordance with Arbitration and Conciliation Act, 1996 including the schedules thereto.

The subject matter of this appeal may be brought within the consideration of the arbitral tribunal by the appellant by an application under Section 17 of the said Act.

In the meantime, the status quo, which is operative now by virtue of the interim order dated 8th October, 2021 in this appeal and extended from time to time, shall continue till 11th February, 2022 only.

The appeal and the connected application are disposed of by this order.

All interim orders are vacated.

Either of the parties shall, on the basis of this order, approach the learned trial court to pass an appropriate order disposing of the Section 9 application.

(Kausik Chanda,J.)

(I. P. Mukerji,J.)