

6.1.2022 **IN THE HIGH COURT AT**
CALCUTTA
COMMERCIAL CIVIL APPELLATE JURISDICTION
ASR 2. **(COMMERCIAL DIVISION)**
FMAT 636 of 2021
With
CAN 1 of 2021

(Via Video Conference)

M/s Mangalam Agro Products Limited
Vs.
M/s Baleshwar Commercial Private Limited

Mr. Sanjoy Bose
Mr. Priyankar Basu Mallick
Mr. Rajkrishna Mondal
.....for the appellant

Mr. Anuj Singh
.....for the respondent no.1 and 2

Mr. Sanjoy Bose and Mr. Anuj Singh, learned counsel for the appearing parties on instruction from their clients have agreed to the appointment of Mr. Mainak Bose, learned advocate and a member of the Bar Library Club as the arbitrator to adjudicate upon the disputes between the parties in this appeal and those which may be raised upon filing of the statement of claim, counter statement and counter claim, if any, before the learned arbitrator.

The consent of learned counsel recorded in this order shall be indicated in a joint affidavit to be filed by them in this Court by 13th January, 2022.

We accordingly appoint Mr. Mainak Bose as the arbitrator on the above terms. The arbitration shall be

conducted in accordance with Arbitration and Conciliation Act, 1996 read with the schedules thereto.

After hearing learned counsel for the parties, we modify the impugned judgement and order dated 21st September, 2021 to the extent that the appellant will be at liberty to deal with the property in question by creation of third party rights but without disturbing the possession of the respondent till the conclusion of the arbitral proceeding and publication of the award or until an order is passed by a competent forum. The respondent shall not part with possession or otherwise deal with the property to the prejudice of the appellant.

The appeal (FMAT 636 of 2021) and the connected application (CAN 1 of 2021) are disposed of.

(I. P. Mukerji,J.)

(Kausik Chanda,J)