

AP/17/2022

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

RAMGARH SWAMY RANGANATHANANDA EDUCATIONAL & WELFARE SOCIETY
VERSUS
SANTOSH KUMAR SHAW

BEFORE:
THE HON'BLE CHIEF JUSTICE PRAKASH SHRIVASTAVA
DATE : 15TH MARCH, 2022

APPEARANCE:

Mr. Debraj Sahu, Advocate
Ms. Debajani Ghosh, Advocate
Mr. Bhaskar Mukherjee, Advocate
Ms. Nafisa Yasmin, Advocate
.....for the petitioner.
Ms. Susmita Dey (Basu), Advocate
.....for the respondent

The Court:- Affidavit of service filed in Court be taken on record.

This application has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of the arbitrator.

The Arbitration Agreement dated 10th April, 2019 has not been disputed by the counsel for the respondent, which contains the following arbitration clause:

“8. Any dispute arising under this agreement shall be referred to the arbitration to a sole arbitrator appointed with consent of the Owner and the contractor as indicated in the Article of the general conditions. The award of the arbitrator shall be final and binding on both parties.

The dispute had arisen between the parties, therefore, the respondent had given the notice dated 4th September, 2021 to the applicant invoking the arbitration clause and suggesting the name of the arbitrator. There was a dispute in respect of the proposed arbitrator, therefore, the parties could not appoint arbitrator and the applicant had approached this Court.

Undisputedly, the arbitration agreement exists between the parties and the arbitration clause has been invoked, therefore, considering the circumstances of the case, with the consent of the counsel for the parties, Mr. Swarnendu Ghosh, Advocate (Bar Library Club, 2nd Floor) is appointed as arbitrator to resolve the dispute between the parties.

The appointment is subject to submission of declaration by the Arbitrator in terms of Section 12(1) in the form prescribed in the Sixth Schedule of the Act before the Registrar, Original Side of this Court within four weeks from today.

Let this order be conveyed to the Arbitrator by the Registrar, Original Side forthwith.

AP is accordingly disposed of.

(PRAKASH SHRIVASTAVA, C.J.)