

OD-17

ORDER SHEET

AP/141/2020

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

TAPATI SAHA
VS
CHOWDHURY PROJECTS PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date : 17th November, 2022

Appearance:

Mr. Tapas Kumar Dey, Adv.

Mr. Ashis Kumar Dutta, Adv.

...for the petitioner

The Court: Counsel on behalf of the petitioner files in Court the payment of the deficit stamp duty assessed at Rs.1,38,841/-. He also files affidavit of service indicating service of the order passed on the last occasion upon the respondent. In spite of the same, none has appeared on behalf of the respondent.

In light of the absence of the respondent, this Court is of the view that appointment of sole Arbitrator should be made in terms of Clause 33 of the development agreement entered into between the parties on 5th March, 2011. Clause 33 is delineated below:-

“All disputes and differences arising between the parties hereto or their representatives, heirs, executors, administrators, successors and assigns regarding the construction or interpretation of any of the terms and conditions herein contained or touching this agreement or

determination of any liability hereunder shall be referred to Arbitration in accordance with the provisions of Arbitration and Conciliation Act, 1996, or any statutory enactment or modification thereof.”

Accordingly, Mr. Siddhartha Lahiri, Advocate, Mobile No.9830082839, is appointed as Arbitrator.

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/141/2020 is accordingly disposed of.

(SHEKHAR B. SARAF, J.)