

ORDER SHEET

AP/183/2021

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

EXPRESSION 360 SERVICES INDIA PRIVATE LIMITED
VS
THE NATIONAL LIBRARY, MINISTRY OF CULTURE, GOVERNMENT OF INDIA

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date : 4th August, 2022

Appearance:

Mr. Raj Ratna Sen, Adv.
Mr. Suvradal Choudhury, Adv.
...for the petitioner

Mr. N. Singhania, Sr. Adv.
Ms. Sanchita Barman Roy, Adv.
...for the respondent

The Court: This is a Section 11 application.

As per the service level agreement between the parties dated 16th day of July, 2018, an arbitration clause exists at Clause 8.5 which is delineated below:-

“8.5 Disputes and Arbitration

Any dispute or difference whatsoever arising between the parties in relating to the terms of this agreement thereof shall be referred to a sole Arbitrator to be appointed by mutual consent of both the parties herein. If the parties cannot agree on the appointment of the Arbitrator within a period of one month from the notification by one party to the other of existence of such dispute, then the Arbitrator shall be appointed by the

Director General, National Library. The provisions of the Arbitration and Conciliation Act, 1996 will be applicable and the award made there under shall be final and binding upon the parties hereto, subject to legal remedies available under the law. Such differences shall be deemed to be a submission to arbitration under the Indian Arbitration and Conciliation Act, 1996, or of any modifications, Rules or re-enactments thereof. The arbitration shall be held in Kolkata.”

I have heard Counsel appearing on behalf of the parties and both the parties are agreeable to appointment of a sole Arbitrator by this Court.

In light of the same, Justice Girish Chandra Gupta, Former Chief Justice of Calcutta High Court is appointed as sole Arbitrator in the matter.

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/183/2021 is accordingly disposed of.

(SHEKHAR B. SARAF, J.)