

ORDER SHEET
AP/247/2019
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

BCL SECURE PREMISES PVT. LTD.
VS
METRO RAILWAY, KOLKATA AND ORS.

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date: 22nd November, 2022.

Appearance:

Mr. Rudraman Bhattacharyya, Adv.

Mr. S.K. Bajoria, Adv.

Ms. Suchismita Ghosh Chatterjee, Adv.

Mr. Asok Kumar Chakraborty, Additional Solicitor General,

Mr. S. Ghosh, Adv.

The Court: Heard counsel appearing on behalf of the parties.

This is a Section 11 application for claims made by the petitioner with regard to a tender that was floated by the Metro Railway for invitation of bid under two bid systems for the work of supply, installation, commissioning, operation and maintenance of security equipment's and systems at 23 metro Railway Station Premises and Metro Rail Bhavan. At the very outset I would like to state that with regard to claims for supply of goods for which invoices were raised a separate arbitration proceeding is pending before the Haryana, Micro, Small and Medium Enterprises Counsel. I make it clear that the present arbitration is for claims other than that has been made under that

arbitration. As per the general conditions of contract Clause 64 provides for a procedure for resolution of disputes by way of arbitration.

In the present case since the dispute is in excess of Rs.10 lakhs Clause 64(3)(a)(ii) shall apply. Parties have consented before this Court that the railway shall provide seven names of retired senior Administrative Grade Officers within a period of three weeks from date.

Upon receipt of the names, the petitioner shall suggest two names out of the seven and forward the same to the Railways. The railway shall thereafter proceed with the appointment of the Arbitrators as per the terms provided in Clause 64.

I make it clear that the parties should act expeditiously so that the arbitration can commence within three months.

In light of the above AP 247 of 2019 stands disposed of.

(SHEKHAR B. SARAF, J.)

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