

AP/52/2022

IN THE HIGH COURT AT CALCUTTA
ORIGINAL CIVIL JURISDICTION

MADHU BALA RUIA
VERSUS
AARTI GANGA CONSTRUCTIONS PRIVATE LIMITED & ANR.

BEFORE:
THE HON'BLE CHIEF JUSTICE PRAKASH SHRIVASTAVA

DATE : 16TH MARCH, 2022.

APPEARANCE:

Ms. Micky Chowdhury, Advocate
Mr. Subhasis Pyne, Advocate
.....for the applicant.

Mr. Gopal Pahari, Advocate
Ms. Mandeep Kaur, Advocate
.....for the respondents.

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

Learned counsel for the applicant has pointed out that the Development Agreement dated 8th October, 2013 was entered into between the parties which contains Clause 27 as the arbitration clause, according to which, the dispute is to be settled by a panel of three arbitrators. She further submits that the applicant had sent notice dated 14th October, 2020 invoking the arbitration clause and nominating their arbitrator, but the prayer was not accepted by the respondents in their reply dated 7th November, 2020. She has submitted that having regard to the nature of the dispute, sole arbitrator be appointed by this Court.

Learned counsel for the respondents has not disputed the agreement, the arbitration clause contained therein or the submission relating to the appointment of the sole arbitrator. Hence, having regard to the above, the prayer for appointment of sole arbitrator is allowed. Mr. Sachchida Nand Pandey,

Advocate (Mob. No.9007285496) is appointed as sole 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.)