

ODC 7

ORDER SHEET
AP/119/2022
THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

SOVAN CHATTERJEE
VS
D.R.S.S. ENTERPRISE3 AND ORS.

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date : 27th April, 2022.

Appearance:

Mr. Satadeep Bhattacharyya, Adv.
Mr. Bikash Shau, Adv.

Ms. Koel Mukherjee, Adv.
Mr. Rahul Karmakar, Adv.
Mr. Anurag Sardar, Adv.
Mr. Muhfuz Murshed, Adv.
Mr. Sayan Mukherjee, Adv.

The Court: On 6th April, 2022 an opportunity was granted to the respondents to file their affidavit in opposition. Till date no affidavit in opposition has been filed in Court. Counsel on behalf of the respondent seeks further time to file affidavit in opposition.

The grounds raised by the respondent is that the arbitration is barred by limitation and the subject matter is not arbitrable. Upon going through the documents, I am of the view that these issues can be decided by the Arbitrator, as has been decided by various Supreme Court judgments.

In view of the above, Ms. Manju Bhuteria, Advocate, 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 No.119 of 2022 is accordingly disposed of.

(SHEKHAR B. SARAF, J.)

sp/