

ORDER SHEET
AP/343/2021
IA NO:GA/1/2022
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

KRISHNENDU BHAKTA
VS
GOVERNMENT OF WEST BENGAL AND ANR.

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date: 15th September, 2022.

Appearance:

Mr. Subhojit Saha, Adv.

Mr. Aniket Chaudhury, Adv.

Mr. S. Basu, Adv.

...for the petitioner

Mr. Paritosh Sinha, Adv.

Mr. Subhabrata Dutta, Adv.

Mr. Debashis Sarkar, Adv.

Mr. Sayan Ganguly, Adv.

Mr. Arindam Mondal, Adv.

Ms. Nandini Mukherjee, Adv.

...for the respondent

Mr. S.M. Hassan, Adv.

Mr. Anupama Yasmin, Adv.

Mr. Saikat Mondal, Adv.

...for Haldia Municipality

The Court: Affidavits filed in Court be taken on record.

In this Section 11 application, an interlocutory application bearing no.IA No.GA/1/2022 has been filed wherein the State of West Bengal has sought for

striking off its name from the instant proceeding as the State is not a party to the agreement.

I have heard counsel appearing on behalf of both the parties and perused the materials on record. It is clear from the agreement that the State of West Bengal is not a party to the agreement and therefore, is not a necessary party.

In light of the same, IA No.GA/1/2022 is allowed and the name of the respondent no.1 is, accordingly, struck off.

With regard to the arbitration agreement, I am of the view that an Arbitrator should be appointed to resolve the disputes between the parties as there is clearly an arbitration clause in the said agreement.

In view of the above, Justice Shivakant Prasad, former Judge of this Court, 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/343/2021 is, accordingly, disposed of.

(SHEKHAR B. SARAF, J.)