

AP/380/2021

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTIONULMA FORMWORK SYSTEMS INDIA PVT. LTD.
VERSUS
BIL INFRATECH LIMITEDBEFORE:
THE HON'BLE CHIEF JUSTICE PRAKASH SHRIVASTAVA
DATE : 7TH MARCH, 2022

[Via Video Conference]

APPEARANCE:

Ms. Mousumi Pal, Advocate
.....for the petitioner.

The Court:- Affidavit of service filed by the applicant reveals that the respondent has been served. Yet no one is appearing for the respondent.

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 Purchase Order bearing No.1011933 dated 20th June, 2018 was issued to the applicant by the respondent for purchase of modular panel form work system with panel and accessories, concreting platform, alignment system and tie system. The said contract contains the arbitration clause which reads as under :-

*“19. DISPUTES**Both parties agreeing, disputes arising out of this order, may be settled by arbitration, in accordance with the Indian Arbitration and Conciliation Act, 1996, by a sole arbitrator, who shall be appointed by our MD and/or our Chairman and/or other Directors.”*

Since certain disputes have arisen, therefore, applicant had served the notice dated 22nd February, 2021 to the respondent invoking the arbitration clause and suggesting the name of the sole arbitrator for resolution of the disputes. But in spite of receipt of the said notice, no response was sent by the respondent.

No one is present for the respondent to dispute the submission of counsel for the applicant or the arbitration clause on which the reliance has been placed.

Considering the averments made in the application and submission made by the counsel for the applicant, I am of the opinion that a case for allowing the prayer for appointment of arbitrator in terms of Section 11 of the Act to resolve the disputes between the parties is made out. Accordingly, Justice Tarun Kumar Gupta, retired Judge of this Court is appointed 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 is accordingly disposed of.

(PRAKASH SHRIVASTAVA, C.J.)