

ODC-6

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

AP/385/2021

GE T AND D INDIA LIMITED
Versus
MCNALLY BHARAT ENGINEERING COMPANY LIMITED

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 4th January, 2022.

Appearance:
Mr. Jishnu Saha, Sr. Adv.
Ms. Somdutta Bhattacharya, Adv.
Mr. Sakabda Roy, Adv.
Ms. Trisha Mukherjee, Adv.

The Court: This is an application under Section 29A of the Arbitration and Conciliation Act, 1996. Mr. Saha appearing on behalf of the petitioner prays for change of personnel of the learned Sole Arbitrator primarily on the ground that there has been undue and inordinate delay in conducting the arbitration proceedings. It is submitted on behalf of the petitioner that even though the arbitration clause was invoked as far back as on 11th July, 2017, and the learned Arbitrator had entered upon reference on 2nd August, 2017, there has been inordinate, undue and unexplained delay of the Arbitrator in proceeding with the subject arbitration proceeding. In this connection, the petitioner relies on the particulars enumerated in paragraph 3 of the petition.

The respondent is represented and submits that he has no objection in the change of the personnel of the Arbitrator and a substitute Arbitrator being appointed.

In view of the aforesaid, Mr. Jishnu Chowdhury, Advocate and a member of the Bar Library Club is appointed as an Arbitrator in place and stead of the erstwhile Arbitrator. The Arbitrator is requested to conclude the proceedings expeditiously and preferably within a period of one year from date. The proceedings will continue from the stage which had already been reached and on the basis of the evidence and materials already on record. It is needless to mention that the mandate of the erstwhile Arbitrator stands terminated and he is requested to forward the originals of all the pleadings and documents to the Advocate on behalf of the petitioner within a period of one week from the date of communication of this order.

With the aforesaid directions, AP/385/2021 stands disposed of.

(RAVI KRISHAN KAPUR, J.)