

AP/387/2021

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTIONPETROFARMS LIMITED
VERSUS
SK. NAJIR HOSAINBEFORE:
THE HON'BLE CHIEF JUSTICE PRAKASH SHRIVASTAVA
DATE : 7TH MARCH, 2022

[Via Video Conference]

APPEARANCE:

Mr. Shuvasish Sengupta, Advocate
Mr. Arindam Guha, Advocate
Mr. Balarko Sen, Advocate
.....for the petitioner.

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

Affidavit of service has been placed on record. In spite of service of notice, no one is present for the respondent to oppose this application.

Learned counsel for the applicant has pointed out that the agreement dated 16th March, 2017 executed between the parties contains following arbitration clause:

“10. Any disputes or differences arising between the parties hereto as to the effect, interpretation or application of this license or as to their rights, duties or liabilities there under or as to any act, matter or thing arising out of, or consequent to or in connection with this license shall be referred to and finally resolved by Arbitration by three Arbitrators, one to be appointed by each party and the third to be appointed by the two arbitrators. The Arbitration proceedings shall be in accordance with the provisions of the Arbitration and Conciliation Act, 1996, or any subsequent enactment or amendment thereof. The arbitration proceedings shall be held in Kolkata and shall be conducted in the English Language.”

It is also pointed out that since the dispute has arisen between the parties, therefore, applicant has given notice dated 9th July, 2021 invoking the

arbitration clause which was duly served upon the respondent. But no response was received from the respondent by the petitioner.

Having regard to the above undisputed submission, I am of the opinion that a case for allowing the prayer of the applicant for appointment of arbitrator to resolve the dispute between the parties is made out. Accordingly, Mr. Sourav Sen, Advocate, is appointed an 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 disposed of.

(PRAKASH SHRIVASTAVA, C.J.)