

ORDER SHEET

AP/571/2019

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

MR. TANMOY DAS AND ANR
VS
VEDIC REALITY LIMITED AND ANR

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date : 7th July, 2022

Appearance:
Mr. Arnab Roy, Adv.
...for the petitioners

The Court: None appears on behalf of the respondents.

Several orders have been passed in this matter and pursuant to order passed by this Court, the petitioner has paid the stamp duty and the document is now properly registered as required by law. As per the agreement between the parties, Article 16 refers to dispute resolution by way of arbitration. The clause is provided below:-

“In the event of a dispute arising out of or in connection with the Agreement such dispute shall be referred to arbitration in accordance with the provisions of the Arbitration and Conciliation Act, 1996. The parties have agreed to refer all and/or any dispute to the sole arbitration of Mr. A.K. Chowdhury Advocate, High Court, Calcutta, 10 Old Post Office Street, First Floor Kolkata 700001. All proceedings in any such arbitration shall be conducted in English. The proceedings shall be held in Kolkata, West Bengal. The arbitral award shall be final and binding on

the Parties, and the Parties agree to be bound thereby and to act accordingly.”

Keeping in view the principles in *TRF Limited v. Energo Engineering Projects Ltd.* reported in (2017) 8 SCC 377 and in *Perkins Eastman Architects v. HSCC (India) Limited* reported in (2019) 9 SCC Online SC 1517, this Court is of the view that the Court should appoint a sole arbitrator in this matter.

Accordingly, Mr. Sayantan Basu, Advocate, Bar Library Club is appointed as sole arbitrator to resolve the dispute between the parties.

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/571/2019 is accordingly disposed of.

(SHEKHAR B. SARAF, J.)