

OC-59

ORDER SHEET
AP/165/2022
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
COMMERCIAL DIVISION
ORIGINAL SIDE

GAINWELL COMMOSALES PRIVATE LIMITED
VS
MINSOL LIMITED

BEFORE:
The Hon'ble JUSTICE SHEKHAR B. SARAF
Date : 5TH APRIL, 2022.

Appearance :
Mr. Anirban Ray, Adv.
Mr. Shounak Mitra, Adv.
Mr. Rishav Dutt, Adv.
...For the Petitioner

Ms. Rajshree Kajaria, Adv.
...For the Respondent

The Court : In this application under Section 11(6) of the Arbitration and Conciliation Act, 1996, the petitioner seeks reference of the disputes to arbitration.

In course of hearing of the petition, the parties agreed that there is an arbitration agreement which is at page 57 Clause 23.3. The parties interpret such arbitration agreement to mean that the parties will appoint one Arbitrator each and that, the two Arbitrators will nominate the Arbitrator to constitute the arbitral tribunal.

In accordance with such interpretation, the petitioner nominates Mr. Samrat Sen, Senior Advocate as its Arbitrator. The respondents nominates Mr. Jishnu Saha, Senior Advocate as its arbitrator.

The parties herein submits that the third Arbitrator may be Justice Asok Kumar Ganguly (Retired Supreme Court Judge). The parties do not object to the respective nominations. They do not object to the interpretation of the arbitration agreement as made by each other.

The allegations made in the petition are deemed to have been denied.

The arbitral tribunal is at liberty to fix its remuneration. The parties will bear the costs, charges and expenses of the arbitration.

AP No.165 of 2022 is disposed of accordingly.

(SHEKHAR B. SARAF, J.)