

OD-110

ORDER SHEET

AP/181/2022

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

SAMPARK ADVERTISING AND MEDIA PRIVATE LIMITED  
VS  
GENERAL MANAGER, METRO RAILWAY, KOLKATA AND ORS.

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date : 28<sup>th</sup> April, 2022

Appearance:

*Mr. Sarosij Dasgupta, Adv.*

*Mr. Anirban Mitra, Adv.*

The Court: On perusal of the documents it is clear that there is an arbitration clause in the agreement. It also appears that the arbitration clause is in conflict with Section 12(5) of the Arbitration and Conciliation Act, 1996.

Accordingly, as per the Supreme Court judgments passed 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, the Court is required to appoint an independent Arbitrator.

In light of the same, Mr. Dhruba Ghosh, Senior Advocate is appointed as 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/181/2022 is accordingly disposed of.

(SHEKHAR B. SARAF, J.)

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