

ODC-1 & 2

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
(Via Video Conference)

AP/661/2019

R.S. CONSTRUCTION
VS
MANAGING DIRECTOR, BIHAR STATE POWER GENERATION
CO. LTD. AND ORS.

AP/642/2019

BIHAR STATE POWER GENERATION
CO. LTD. AND ANR.
VS
R.S. CONSTRUCTION AND ANR.

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 24th March, 2022.

Appearance:
Mr. Dr. Kumar Jwala, Adv.
Mr. Jit Ray, Adv.
Mr. Niladri Khanna, Adv.

Mr. Umesh Prasad Singh, Adv.
Mr. S. K. Poddar, Adv.
Mr. Kumar Manish, Adv.
Ms. Meenakshi Manot, Adv.

The Court:- By consent of the parties and in view of the urgency pleaded on their behalf, the matter is taken up for hearing.

Both these applications have been filed under Section 34 of the Arbitration and Conciliation Act, 1996 challenging the award dated 2 July, 2019 (the impugned award) passed by the Sole Arbitrator. Both parties consent to the impugned award being set aside and consent to the appointment of an Arbitrator.

In view of the aforesaid, Mr. Justice Dilip Kumar Seth (Retd.) is appointed as a Sole Arbitrator to enter upon reference in terms of the arbitration clause. Liberty is granted to the Arbitrator to fix his remuneration in accordance with law. The Arbitrator is to take up the reference on the basis of the pleadings already filed by the parties in course of the previous reference. The Arbitrator is also entirely free to decide on the future course of action in the reference in accordance with law.

With the aforesaid directions, AP/661/2019 and AP/642/2019 stand allowed.

The arbitral award dated 2 July, 2019 is set aside.

(RAVI KRISHAN KAPUR, J.)

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