

AP/219/2022

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

HINDUSTAN CONSTRUCTION CO. LTD.
VERSUS
KOLKATA METROPOLITAN DEVELOPMENT AUTHORITY

BEFORE:
THE HON'BLE CHIEF JUSTICE PRAKASH SHRIVASTAVA
DATE : 24th June, 2022

APPEARANCE:

Mr. Ranjan Bachawat, Senior Advocate
Mr. Shuvashish Sengupta, Advocate(VC)
Mr. Sarosij Dasgupta, Advocate,
Mr. Ratnesh Rai, Advocate
Mr. Ankan Rai, Advocate
Ms. Ankita Singh, Advocate.
.....for the applicant.

Mr. Sirsanya Bandopadhyay, Advocate
Ms. Sanchari Chakraborty, Advocate
Ms. Akansha Chopra, Advocate
.....for respondent.

The Court:- This application under Section 11 of the Arbitration and Conciliation Act, 1996 has been filed by the applicant for appointment of an independent arbitrator to resolve the dispute between the parties.

The arbitration agreement is not in dispute and it has been pointed out that in respect of the same contract on other issues, Justice Debi Prosad Dey (Retired) has already been appointed as arbitrator.

Learned counsel for the respondent has submitted that the present dispute is on different issue, therefore, another arbitrator can be appointed, but the respondent has no objection if the same arbitrator is appointed in the present case also.

Having regard to the circumstances of the case and considering the undisputed arbitration clause, I feel it proper to appoint Justice Debi Prosad Dey (Retired) as the arbitrator to resolve the dispute between the parties. Parties will be at liberty to raise all legally permissible pleas before the arbitrator.

The appointment of the arbitrator 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 within four weeks.

Registrar, Original Side is directed to communicate this order to the Learned Arbitrator forthwith.

AP is, accordingly, disposed of.

(PRAKASH SHRIVASTAVA, C.J.)

sm/s.kumar