

ODC 3

ORDER SHEET
AP/228/2022
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

BHARAT HEAVY ELECTRICALS LTD.
VS
WEST BENGAL STATE ELECTRICITY
DISTRIBUTION COMPANY LTD. AND ANR

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date: 24th June, 2022.

Appearance:
Mr. Partha Sarathi Bhattacharjee Sr. Adv.
Mr. S.S. Koley, Adv.

The Court: Heard counsel appearing on behalf of the parties.

The Special Officer has filed his report on the previous occasion.

It is to be noted that the remuneration to be paid to the Special Officer has not been paid till date.

Accordingly, the petitioner is directed to ensure payment of the remuneration to the Special officer within four days from date.

Counsel appearing on behalf of the respondent submits that there are certain objections and exceptions that they wish to file with regard to the report filed by the Special Officer.

In my view, nothing remains in the Section 9 application and the same may be disposed of. Furthermore, I am of the view that since this matter is

required to go into arbitration, Court may appoint an Arbitrator at this stage, even though no Section 11 application is before the Court. No serious objection has been made out by any of the parties for referring the matter to arbitration and accordingly, Justice Debasish Kar Gupta, former Chief Justice of Calcutta High Court, 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.

I make it clear that the respondent shall be at liberty to raise their objection to the report of the Special Officer before the Arbitrator in accordance with law.

AP No.228 of 2022 is accordingly disposed of.

(SHEKHAR B. SARAF, J.)

sp/