

AP/238/2022

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

M/S. ZAMIL STEEL BUILDINGS INDIA PVT. LTD.
VERSUS
M/S. JKS INFRASTRUCTURE PRIVATE LIMITED

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

APPEARANCE:

Mr. Mrinal Beri, Advocate.
.....for applicant.

Mr. Soumana Mukherjee, 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 dated 12th September 2017 is not in dispute. Learned counsel for the applicant has pointed out that invoking the arbitration clause, notice dated 31st October 2019 was served upon the respondent but no response was given by the respondent. Instead, the respondent has raised a counterclaim vide communication dated 30th November 2019. Counsel for the parties do not dispute that having regard to the nature of claim and counterclaim, an independent arbitrator is required to be appointed to resolve the dispute between the parties.

Hence, prayer for appointment of arbitrator is allowed.

Justice Dr. Sambuddha Chakrabarti, a retired Judge of this Court, is appointed as the arbitrator to resolve the dispute between the parties.

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