

AP/291/2022

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTIONM/S. INTERNATIONAL COMMERCE LIMITED
VERSUS
MR. VIJAY KUMAR SINGH

BEFORE:

THE HON'BLE CHIEF JUSTICE PRAKASH SHRIVASTAVA

DATE : 8TH DECEMBER, 2022

APPEARANCE:

*Mr. Ratnesh Kumar Rai, Advocate**Mr. Ankan Rai, Advocate**Mr. S. N. Pandey, Advocate**....for the petitioner*

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

The learned counsel for the applicant has placed on record the affidavits of service dated 4th November and 9th November, 2022 indicating that the respondent has been served by way of publication in terms of order of this court dated 2nd September, 2022. In spite of service of notice, no one is present for the respondent.

Learned counsel for the applicant has pointed out that the agreement for sale was executed between the parties on 15th October, 2017 which contains the following arbitration clause:-

“In case of any difference and/or disputes by and between the parties arising out of this agreement and/or touching any disputes or differences or Causes of this agreement or relating to clause to this agreement in that event matter will be referred to the Sole Arbitrator as mutually agreed by the parties as per the Arbitration & Conciliation Act, 1996 as amended upto the date. The Venue and Place of sitting of Arbitration will be in Kolkata only.”

He has also pointed out that the attempt of amicable settlement through conciliation was made but the same had failed. Thereafter, the applicant had given notice dated 8th April, 2022 in terms of Section 21 of the

Act proposing the name of the Arbitrator which was not replied by the respondent. He has also pointed out that after the agreement, dispute has arisen between the parties.

In spite of service, the respondent has not chosen to appear and the dispute the above stand of the applicant. Hence, on the basis of the undisputed averment, the case for appointment of Arbitrator is made out. Accordingly, AP is disposed of and Mr. Sudhosattwa Banerjee, Advocate of this Court (98300520310) is appointed as sole Arbitrator to resolve the disputes between the parties, 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.

(PRAKASH SHRIVASTAVA, C.J.)