

AP/508/2021

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

LEISURE COUNTRY CLUB & RESORTS PRIVATE LIMITED
VERSUS
MR. PRAMOD SINGH AND ANR.

BEFORE:
THE HON'BLE CHIEF JUSTICE PRAKASH SHRIVASTAVA
DATE : 8TH MARCH, 2022

APPEARANCE:

Mr. Mrinal Kanti Mukherjee, Advocate
..... for the petitioner.

The Court:- Affidavit of service filed by the applicant is taken on record. The Affidavit indicates that the respondents are served.

This application has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of the arbitrator.

The case of the applicant is that the respondent had entered into an agreement with the applicant for purchasing a plot and had paid a part consideration but thereafter, they made a request for canceling the agreement and for refund of the entire amount whereas according to the agreed terms they are entitled to a part refund. Learned counsel for the applicant has pointed out Annexure A, application for booking of land signed by the parties and the enclosed terms and conditions of the agreement, clause 06 thereof provides as under:

“06. Disputes and Discrepancies

- a. If any dispute arises between The Company and Purchaser, it will be forwarded to arbitration Mr. Dipak Chakraborty (Advocate) and the decision will be bound by both the parties.
- b. Any legal matter, subject to jurisdiction of Calcutta High Court only.”

He has also pointed out that the notice invoking the arbitration clause dated 18.10.2021 was served upon the respondent but no reply was given.

The above contention of counsel for the applicant has remained unrebutted as no one has appeared for the respondent to dispute the same. Since the arbitration agreement exists between the parties and the notice invoking the arbitration clause has been given, therefore, I am of the opinion that a case is made out for allowing the prayer for appointment of arbitrator in terms of Section 11 of the Act to resolve the disputes between the parties.

Accordingly, Sachchida Nand Pandey, Advocate of this Court (Mob.9007285496) is appointed 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.

AP is accordingly disposed of.

(PRAKASH SHRIVASTAVA, C.J.)