

OD-67

CS/275/2019

IA NO. GA/1/2021

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
Original Side

AYUSH ESTATES PRIVATE LIMITED

Vs.

BAJAJ ELECTRICALS LIMITED

BEFORE :

The Hon'ble JUSTICE KRISHNA RAO

Date: 11th July, 2022.

Appearance:

Mr. Tanuj Kakrania, Adv.
Mr. Karanjeet Sharma, Adv.
...for the plaintiff

Mr. Sourajit Dasgupta, Adv.
Mr. Souvik Mazumdar, Adv.
....For the defendant

ORDER

The matter was listed on 10.06.2022 and this Court had directed the Counsel for the plaintiff to take appropriate steps for disposal of the interlocutory application before the Hon'ble Interlocutory Court.

The matter is listed today before this Court along with GA 1 of 2021 and both the Counsel for the respective parties have agreed to disposal of the interlocutory application by this Court. With the consent of both the parties, the interlocutory application is taken up for hearing.

The defendant has filed the interlocutory application being GA 1 of 2021 praying for stay of the proceeding of the instant suit and prayed for a direction to refer the instant matter to the Arbitration in terms of Clause 19 of the Dealership Agreement dt. 05.05.2014.

Clause 19 of the Agreement reads as follows:-

“19. Any disputes, differences or question which may arise at any time thereafter between the Company and the Authorised Dealer/Distributor touching the true construction of this Agreement or the rights and liabilities of the parties hereto, the same shall be referred to the decision of a Sole Arbitrator to be appointed at the request of either party by the Managing Director of the Company in accordance with and subject to the provisions of the Arbitration and Conciliation Act, 1996 or any statutory modification or re-enactment thereof for the time being in force. The venue of such Arbitration shall be at MUMBAI and the Courts at MUMBAI only shall have the jurisdiction to deal with the arbitration proceedings and the awards in accordance with law”

Ld. Counsel for the respective parties have agreed to appoint Shri Dakshesh Vyas, Advocate, Yashwant Chamber, near Kalaghoda, Fort, Mumbai-400023.

In view of the above, with the consent of both the parties Shri Dakshesh Vyas, Advocate is appointed as an Arbitrator to decide the dispute between the parties in terms of the agreement dt. 05.05.2014.

GA 1 of 2021 is disposed of. Consequently, CS 275 of 2019 is also disposed of.

(KRISHNA RAO, J.)

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