

AP/408/2022

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTIONSMT. PURNIMA CHOWDHURY & ANR.
VERSUS
ANUP SINHA COMPANY

BEFORE:

THE HON'BLE CHIEF JUSTICE PRAKASH SHRIVASTAVA

DATE : 24TH JUNE, 2022

APPEARANCE:

Mr. Shaunak Ghosh, Advocate

Mr. Anirban Guin, Advocate

....for the petitioners

Mr. Rajat Dutta, Advocate

Mr. Javed Majid, Advocate

Mr. Shambhunath Bhanja, Advocate

....for the respondent

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

It is pointed out by the learned counsel for the applicant that the agreement dated 10th October, 2010 was executed between the parties which contains the following arbitration clause. :

“39. That all disputed and difference between the parties to this deed arisen in connection with this agreement or between respective legal representative shall be referred to the Arbitrator to be selected by both the parties and if the Arbitrator failed to settle the dispute then will be referred to an Umpire selected by them and whose decision shall be binding upon the parties.”

It is further pointed out that subsequently a supplementary agreement dated 27th December, 2012 was executed and invoking arbitration clause earlier AP/462/2018 was filed which was withdrawn with liberty to file a fresh application. Thereafter, the applicant had served the notice invoking arbitration clause dated 24th February, 2022 upon the respondent and approached this Court for appointment of the Arbitrator.

Learned counsel for the respondent has not disputed the arbitration agreement and has made a limited submission that since both the parties are

at Berhampore, therefore a person at or near Berhampore be appointed so that the arbitration proceedings can be convenient to the parties.

Accordingly, AP is allowed. Mr. Siddhartha Dhar, learned Government Pleader, Berhampore, Dist. Murshidabad [M:9434168331] is appointed as Arbitrator to resolve the dispute between the parties.

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.)