

AP/412/2022

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTIONP S VINAYAK COMPLEX LLP
VERSUS
RANJIT RACHLO & ANR.BEFORE:
THE HON'BLE CHIEF JUSTICE PRAKASH SHRIVASTAVA
DATE : 24TH JUNE, 2022APPEARANCE:
Ms. Somali Bhattacharya, Advocate
....for the petitioner
Mr. Diganta Das, Advocate
Ms. Avipriya Bose, Advocate
....for the respondent no.2

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

Learned counsel for the applicant has pointed out that the sale agreement dated 14th January, 2020 was executed between the parties which contains the following arbitration clause:-

“33. DISPUTE RESOLUTION: All or any disputes arising out or touching upon or in relation to the terms and conditions of this Agreement, including the interpretation and validity of the terms thereof and the respective rights and obligations of the Parties, shall be settled amicably by mutual discussion, failing which the same shall be settled under the Arbitration & Conciliation Act, 1996. Courts of Kolkata alone shall have jurisdiction to entertain or decide any dispute between the parties.”

He has also pointed out that since the dispute has arisen between the parties, therefore, notice in terms of Section 21 of the Act dated 15th September, 2021 was served upon the respondents but no response was received.

Learned counsel for the respondents has not disputed the arbitration clause or the submission that dispute has arisen between the parties but he has disputed the quantum of claim. The dispute relating to quantum can be raised before the Arbitrator.

Hence in view of the above factual situation, a case for appointment of arbitrator is made out. Accordingly, Mr. Soumya Dasgupta (Mod.No.9830576448, Advocate 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 learned Arbitrator by the Registrar, Original Side forthwith.

AP is accordingly disposed of.

(PRAKASH SHRIVASTAVA, C.J.)