

ORDER

OD – 8 to 13

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

AP/440/2022

WEST BENGAL INDUSTRIAL INFRASTRUCTURE DEVELOPMENT CORPORATION
VERSUS
BRAND ME HIGH TECHNOLOGIES PVT. LTD.

AP/441/2022

WEST BENGAL INDUSTRIAL INFRASTRUCTURE DEVELOPMENT CORPORATION
VERSUS
BRAND ME HIGH TECHNOLOGIES PVT. LTD.

AP/442/2022

WEST BENGAL INDUSTRIAL INFRASTRUCTURE DEVELOPMENT CORPORATION
VERSUS
BRAND ME HIGH TECHNOLOGIES PVT. LTD.

AP/443/2022

WEST BENGAL INDUSTRIAL INFRASTRUCTURE DEVELOPMENT CORPORATION
VERSUS
BRAND ME HIGH TECHNOLOGIES PVT. LTD.

AP/448/2022

WEST BENGAL INDUSTRIAL INFRASTRUCTURE DEVELOPMENT CORPORATION
VERSUS
BRAND ME HIGH TECHNOLOGIES PVT. LTD.

AP/450/2022

WEST BENGAL INDUSTRIAL INFRASTRUCTURE DEVELOPMENT CORPORATION
VERSUS
BRAND ME HIGH TECHNOLOGIES PVT. LTD.

BEFORE:

THE HON'BLE CHIEF JUSTICE PRAKASH SHRIVASTAVA

DATE : 12TH AUGUST 2022

APPEARANCE:

Mr. Amit Kumar Nag, Advocate
Mr. Maharnab Roy, Advocate
... for petitioner.

Ms. Koyeli Bhattacharyya, Advocate
Mr. Abhirup Chakraborty, Advocate
... for respondent.

The Court:- Affidavits of service filed by the applicant are taken on record.

These applications have been filed under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of sole arbitrator to resolve the dispute between the parties.

The details of execution of the arbitration agreements between the parties in these APs are as under:-

AP/440/2022 : Arbitration agreement dated 28th January 2020;
 AP/441/2022 : Arbitration agreement dated 23rd April 2020;
 AP/442/2022 : Arbitration agreement dated 13th August 2019;
 AP/443/2022 : Arbitration agreement dated 1st September 2020;
 AP/448/2022 : Arbitration agreement dated 13th August 2019;
 AP/450/2022 : Arbitration agreement dated 15th June 2020.

The agreements are between the same parties and the existence of the arbitration agreement has not been disputed by counsel for the parties and it is also not in dispute that the arbitration clause was duly invoked by the applicant. The only prayer made by counsel for the respondent is that they also have counter claim as against the applicant. This counter claim can be raised before the Arbitrator. A prayer has been made by counsel for both the parties that the same sole arbitrator be appointed in all six APs.

Hence, considering the undisputed position noted above, the APs are allowed and common sole arbitrator, namely, Ms. Sanghamitra Nandy, Advocate (M No.9831119328) of this Court, is appointed in each of the APs 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.)