

AP/493/2022

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

M/S. SANKAT MOCHAN ENTERPRISES
VERSUS
UNION OF INDIA, REPRESENTED BY THE GENERAL MANAGER, SOUTH
EASTERN RAILWAY

BEFORE:
THE HON'BLE CHIEF JUSTICE PRAKASH SHRIVASTAVA
DATE : 12th AUGUST, 2022

APPEARANCE:
Mr. Prasanta Kr. Banerjee, Advocate
Ms. Indrani Nandi, Advocate
..for the applicant
Mr. Arabinda Sen, Advocate
Mr. Rivu Dutta, Advocate
.. . . for Union of India

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

Learned counsel for the applicant has pointed out that the arbitration agreement dated 9th October, 2018 was executed between the parties and that clause 64(1)(i) of the General Condition of Contract contains the arbitration clause. He has also pointed out that since the dispute has arisen between the parties, therefore, the applicant had initially sent the communication dated 27th December, 2021 with a prayer to make payment of the outstanding dues within 120 days and thereafter it had invoked the arbitration clause by sending the communication dated 17th May, 2022.

Though the learned counsel for the respondent has orally opposed the application, but he has not disputed the arbitration agreement.

Hence, considering the circumstances of the case, I am of the opinion that a case is made out for allowing the prayer made for appointment of the

sole arbitrator. Accordingly, AP is allowed. Mr. Mihir Kumar Das, Advocate of this Court is appointed as sole 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.

Accordingly, AP is disposed of.

(PRAKASH SHRIVASTAVA, C.J.)