

AP/505/2022

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

DHUNSERI TEA & INDUSTRIES LIMITED
VERSUS
ROOP KUMAR CHOPRA & ORS.

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

APPEARANCE:
Mr. Tridib Bose, Advocate
Mr. Debargha Basu, Advocate
 ..for the applicant
Mr. Anirban Ray, Advocate
Mr. Debraj Sahu, Advocate
Mr. Hararam Singh, Advocate
 for the respondents.

The Court:- Affidavit of service filed by the applicant is taken on record.

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 1st July, 2015 was executed between the parties which contains the following arbitration clause :

“20. All disputes and differences between the parties whether this Agreement is subsisting or not shall be referred to arbitration of an arbitrator if the parties are able to agree to the appointment of an arbitrator failing which two arbitrators one to be nominated by each party and such arbitration shall take place at Kolkata and shall be conducted in accordance with Indian Arbitration Act 1940 as may be amended from time to time.”

He has also pointed out that the arbitration clause was duly invoked by serving the notice dated 4th April, 2022 and proposing the name of the sole arbitrator, but no response was received from the respondents.

Learned Counsel for the respondents has not opposed the prayer for appointment of the sole arbitrator in terms of the arbitration clause.

Hence, AP is allowed. Justice Narayan Chandra Sil, a retired Judge 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.)