

OD-10

ORDER SHEET

AP/909/2018

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

NUVOCO VISTAS CORPORATION LIMITED (FORMERLY LAFARGE INDIA LTD)
VS
UNION OF INDIA

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date : 20th July, 2022

Appearance:

Mr. Prantik Garai, Adv.

...for the petitioner

Ms. Aparna Banerjee, Adv.

...for the respondent

The Court: This is an application under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator wherein Section 21 notice has been given by the petitioner. The arbitration clause directs for appointment of an arbitral tribunal consisting of at least three members to be appointed by the General Manager, South Eastern Railway.

Keeping in mind the principles of *TRF Limited v. Energo Engineering Projects Ltd.* reported in (2017) 8 SCC 377 and in *Perkins Eastman Architects v. HSCC (India) Limited* reported in (2019) 9 SCC Online SC 1517, I am of the view that the appointment is required to be made by this Court.

On an earlier occasion direction was given to the Counsel on behalf of the railway authorities to agree on a sole Arbitrator as the quantum of dispute is only Rs. 35 lakhs. However, till date, the respondent railway authorities have not agreed to appointment of a sole Arbitrator.

In light of the same, Mr. Rudraman Bhattacharyya (Mob. No. 9830731277), Suchishmita Ghosh (Mob. No. 7980857275) and Subhasis Sengupta (Mob. No. 9830855276) are appointed as Arbitrators.

The appointment is subject to submission of declaration by the Arbitrators 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 Arbitrators by the Registrar, Original Side forthwith.

AP/909/2018 is accordingly disposed of.

(SHEKHAR B. SARAF, J.)