

ODC 5

ORDER SHEET
AP/582/2022
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

KAPASI INFRACON LLP
VS
M/S GANNON DUNKERLEY AND CO. LTD. AND ANR.

BEFORE:
The Hon'ble JUSTICE SHEKHAR B. SARAF
Date: 22nd September, 2022.

Appearance:
Mr. Aniruddha Mitra, Adv.
Mr. Gaurav Purkayastha, Adv.
Mr. S. Maitra, Adv.
...for the petitioner

Mr. Rishav Banerjee, Adv.
Mr. A.K. Awasthi, Adv.
...for the respondent no.1

Mr. Kumarjit Banerjee, Adv.
Ms. Sanchari Chakraborty, Adv.
Ms. T. Khandelwal, Adv.
...for the respondent no.2

The Court: Heard counsel appearing on behalf of the petitioner and both the respondents. It appears that an arbitration has already commenced between the respondent no.1 and the respondent no.2 before a three member Arbitral Tribunal. Parties agree that the issues involved in the tripartite agreement between the three parties are similar in nature and may also be referred to the same Tribunal for adjudication.

In view of the above fact, the disputes between the petitioner and the two respondents that arise out of the tripartite agreement are also referred to the same Arbitral Tribunal comprising of Mr. Jayanta Kumar Mitra, Senior Advocate, Mr. Utpal Bose, Senior Advocate and Mr. Tilak Bose, Senior Advocate.

In light of the fact that the matter is being referred to arbitration, no further order needs to be passed in the Section 9 application bearing No.AP/582/2022.

Accordingly, AP/582/2022 is disposed of.

I make it clear that I have not gone into the merits of the case and all points are kept open before the Arbitral Tribunal.

(SHEKHAR B. SARAF, J.)