

AP/583/2022

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTIONSREI EQUIPMENT FINANCE LIMITED
VERSUS
KRISHNA PADA MONDALBEFORE:
THE HON'BLE CHIEF JUSTICE PRAKASH SHRIVASTAVA
DATE : 9TH SEPTEMBER, 2022

APPEARANCE:
Mr. Swatarup Banerjee, Advocate
Mr. Rajib Mullick, Advocate
Ms. Sonia Mukherjee, Advocate
Mr. Biswaroop Ghosh, Advocate
....for the applicant

Mr. Arijit Bhowmick, Advocate
. . . for the respondent.

The Court:- This application under Section 11 read with Section 15(2) of the Arbitration and Conciliation Act, 1996 has been filed for appointment of the substitute arbitrator to resolve the dispute between the parties.

Learned counsel for the applicant has pointed out that in an application under Section 9 of the Act, this Court by order dated 1st December, 2017 in AP 687 of 2017, with the consent of the parties, had appointed the arbitrator. He has also pointed out that the arbitral proceedings had continued before the learned arbitrator till 20th February, 2020 when the examination of the claimant's witness was being done. He submits that the learned arbitrator so appointed has been elevated later as Hon'ble Judge of this Court. Therefore, the arbitral proceedings could not continue. In the aforesaid background, a payer has been made for appointment of the substitute arbitrator.

Since the initial appointment of the arbitrator was with consent, therefore, at this stage there is no question of any objection by any of the parties. Hence, with consent of the parties, Shri Utpal Bose, Senior Advocate of

this Court is appointed as the arbitrator who will continue the proceedings from the stage where the earlier arbitrator had left.

The appointment of the arbitrator 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.

The office of the original arbitrator is directed to transmit the records of the arbitral proceedings to the new arbitrator appointed by this Court by this order.

Let this order be conveyed to the arbitrator by the Registrar, Original Side forthwith.

Accordingly, AP is disposed of.

(PRAKASH SHRIVASTAVA, C.J.)