

AP/623/2022

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTIONSANDHYA NEOGI
VERSUS
JAYANTA KUMAR NEOGI AND ORS.BEFORE:
THE HON'BLE CHIEF JUSTICE PRAKASH SHRIVASTAVA
DATE : 23RD SEPTEMBER, 2022

APPEARANCE:

Mr. Debnath Ghosh, Advocate
Mr. Chayan Gupta, Advocate
Ms. Pubali Sinha Chowdhury, Advocate
Ms. Mini Agarwal, Advocate
.....for the petitioner

Mr. Siddhartha Chatterjee, Advocate
Mr. M. M. Chandra, Advocate
Mr. Shameek Ray, Advocate
...for the respondents 1 & 2

The Court:- This application under Sections 14 and 15 read with Section 11 of the Arbitration and Conciliation Act, 1996 has been filed for appointment of a substituted arbitrator.

Learned counsel for the applicant has pointed out that Mr. Shyama Prosad Sarkar, Senior Advocate, who was appointed the sole arbitrator in the matter, has left for the heavenly abode. Therefore, now a sole substituted arbitrator is required to be appointed. Learned counsel for the respondents does not dispute it. Counsel for both the parties have suggested the name of Mr. Suman Kumar Dutt, Advocate, for appointment as sole arbitrator.

Hence, AP is allowed.

Mr. Suman Kumar Dutt, an advocate of this Court, is appointed as Arbitrator to resolve the dispute between the parties, 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.

Counsel for the parties are also permitted to approach the office of the earlier arbitrator for transfer of the original file to the substitute arbitrator and

the substitute arbitrator will resume the arbitration proceedings from the stage the earlier arbitrator had left it.

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

(PRAKASH SHRIVASTAVA, C.J.)