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ORDER SHEET
IA NO.GA/1/2022
In
APOT/183/2022
IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

JSJ INFRAPROJECT PRIVATE LIMITED
VS
SREI EQUIPMENT FINANCE LIMITED (SEFL) AND ANR.

BEFORE:
The Hon'ble JUSTICE SHEKHAR B. SARAF
Date: 3rd November, 2022.

Appearance:
Mr. Shyamal Chakraborty, Adv.
Mr. Jayanta Kumar Dhar, Adv.

Mr. Swatarup Banerjee, Adv.
Mr. Rajib Mullick, Adv.
Mr. Sariful Haque, Adv.
Ms. Sonia Mukherjee, Adv.

The Court: Heard counsel appearing on behalf of the parties.

This is an application under Section 37 of the Arbitration and Conciliation Act challenging an order dated August 10, 2022 passed by an Arbitrator appointed unilaterally by the respondent. Without going into the merits of the order, I am of the view that unilateral appointment cannot be allowed to stand and accordingly, the said Arbitrator is discharged from the said arbitration.

With consent of both the parties, I appoint Mr. Soumyajit Ghosh, Advocate (Mobile No. 9830060597) as a Sole Arbitrator to resolve the disputes 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.

In light of the above order passed, the order dated August 10, 2022 cannot survive and is, accordingly, set aside.

The parties shall be at liberty to file Section 17 application before the Arbitrator and the Arbitrator is directed to expeditiously dispose of the said Section 17 application.

The cause papers lying with the erstwhile Arbitrator be handed over to the petitioner who shall hand over the papers to the newly appointed Arbitrator.

IA No.GA/1/2022 and APOT/183/2022 are, accordingly, disposed of.

(SHEKHAR B. SARAF, J.)