

AP/696/2022

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

ASHIS KUMAR KHANRA
VERSUS
MESSRS BRIGHT DEVELOPERS & OTHERS

BEFORE:

THE HON'BLE CHIEF JUSTICE PRAKASH SHRIVASTAVA

DATE : 25TH NOVEMBER, 2022

APPEARANCE:

Mr. Shounak Mukherjee, Advocate
Ms. Subarnarekha Misra, Advocate
...for petitioner
Mr. S. K. Bhadury, Advocate
...for respondents

The Court:- Affidavit of service filed in Court is taken on record.

This application under Section 11 of the Arbitration and Conciliation Act, 1996 has been filed for appointment of the arbitrator to resolve the disputes between the parties.

Learned counsel for the applicant has pointed out that the Development Agreement dated 17th April, 2014 was executed between the parties, which contains the following arbitration clause :

“ **ARTICLES-XVI-ARBITRATION**

16.1. *IF at any time dispute shall arise between the parties hereto regarding the construction or interpretation of any of the terms and conditions herein contained or touching these presents or determination of any liability if any of the parties under this agreement, the same shall be referred to the arbitration of a single arbitrator in case the parties agree to the case, otherwise two arbitrators one to be appointed by each of the parties in dispute and the same shall be deemed to be a reference within the meaning of an arbitration Act, 1996 or any statutory modifications hereunder in force or effect.”*

He has also pointed out that since the dispute had arisen between the parties, therefore, the applicant had served notice upon the respondent invoking the arbitration clause in terms of Section 21 of the Act, but no response was received.

Learned counsel for the respondent has not disputed the arbitration agreement nor has he opposed the prayer for appointment of the arbitrator.

Accordingly, AP is allowed and Mr. Sudhosattwa Banerjee (9830052031), an Advocate of this Court is appointed as the sole Arbitrator to resolve the dispute between the parties.

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.

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

Accordingly, AP is disposed of.

(PRAKASH SHRIVASTAVA, C.J.)