

ORDER

OD-12

AP/699/2022

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

M/S. HILTAKE ELECTRONICS PRIVATE LIMITED
VERSUS
WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED &
ORS.

BEFORE:

THE HON'BLE CHIEF JUSTICE PRAKASH SHRIVASTAVA

DATE : 4TH NOVEMBER, 2022

APPEARANCE:

Ms. Anamika Pandey, Advocate
Ms. Amrita Pandey, Advocate
Ms. Senha Ssingh, Advovocate
Mr. Ghanshyam Pandey, Advocate
...for petitioner
Mr. Partha Sarati Bhattacharyya, Sr. Advocate
Mr. Srijit Shankar Koley, Advocate
..for respondent nos.1 - 3

The Court:- Affidavit of service filed by the applicant 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.

In the present case, arbitration agreement is not in dispute between the parties. Earlier, the dispute between the parties had come before the Division Bench of this Court in FMA 660 of 2021 which was disposed of by order dated 23rd December, 2021 by relegating the parties to take recourse to the arbitration. While dismissing the petition for Special Leave to Appeal (C) No.11024/2022 by order dated 15th July, 2022, the Hon'ble Supreme Court had observed that the Division Bench of this Court had not committed any error in relegating the petitioner to avail the remedy of arbitration proceedings. Thereafter, the present application has been filed.

It is also not disputed that dispute exists between the parties and hence, in view of the above, a case is made out to allow the prayer for appointment of the sole arbitrator to resolve the dispute between the parties. Hence, AP is allowed and Mr. Indrajit Chatterjee, (Mob.No. 8335073590), a retired Judge of this Court is appointed as 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 learned arbitrator by the Registrar, Original Side forthwith.

Accordingly, AP is disposed of.

(PRAKASH SHRIVASTAVA, C.J.)