

ODC 22

ORDER SHEET
AP/711/2022
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

KILARI VARUN KUMAR AND ANR.
VS
SREI EQUIPMENT FINANCE LIMITED THROUGH RAJNESH SHARMA

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

Appearance:
Mr. Rajdeep Mantha, Adv.
Mr. Anirudhya Dutta, Adv.
...for the petitioners

Mr. Swatarup Banerjee, Adv.
Mr. Subhankar Chakraborty, Adv.
Ms. R. Manna, Adv.
...for the respondent

The Court: This is an application under Section 14 of the Arbitration and Conciliation Act for removal of the Arbitrator on the grounds that the appointment is a unilateral appointment.

Mr. Swatarup Banerjee, counsel appearing on behalf of the respondent has submitted that he has no objections to appointment of a new Arbitrator by this Court.

The petitioners are also agreeable to the same. Counsel appearing on behalf of the petitioners has waived his right to raise any objection with regard to the proper notice under Section 21 of the Arbitration and Conciliation Act.

In light of the concession and consent of both the parties, I appoint Mr. Suman Dutta, Advocate, Bar Library Club, (Mobile No. 9836926546) 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.

The erstwhile Arbitrator is discharged from the said arbitration and is directed to hand over all the documents in relation to the arbitration to the petitioners who shall hand over all the documents to the newly appointed Arbitrator.

AP/711/2022 is, accordingly, disposed of.

(SHEKHAR B. SARAF, J.)