

ORDER SHEET

AP/14/2023

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

BHAGWANDAS VEHICLE TEST SERVICE PVT LTD AND ANR
Vs
ALOE KEDIA

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 13th April, 2023.

Appearance:

Mr. Sourav Sengupta, Adv.

Mr. Aman Baid, Adv.

...for the petitioners

Mr. Rupak Ghosh, Adv.

Mr. Bimalendu Das, Adv.

Mr. Shomrik Das, Adv.

...for the respondent

The Court: Learned Counsel for the petitioner contends that the dispute arising between the petitioner and the respondent pertains to eviction not covered by the Rent Control Act of the State as well as certain other ancillary disputes.

Learned Counsel places reliance on the invocation notice under Section 21 of the Arbitration and Conciliation Act, 1996 as well as places the relevant arbitration clause which is Clause 27 of the Leave and License Agreement between the parties dated April 21, 2015.

Upon hearing learned Counsel for the parties, it is evident that the issue involved is clearly arbitrable and that the same falls within the

purview of the arbitration clause in the Leave and License Agreement between the parties, which is valid. Since there is no consensus between the parties as regards the Arbitrator, the present application is entertained and is being decided under Section 11 of the 1996 Act.

Accordingly, AP/14/2023 is allowed, thereby appointing Mr. Om Narayan Rai (Mobile No. – 98749 58601), an Advocate practising in this Court, as sole Arbitrator to resolve the dispute between the parties, subject to obtaining consent/declaration under Section 12 of the 1996 Act from the proposed Arbitrator.

Supplementary affidavit filed in Court today be kept on record.

(SABYASACHI BHATTACHARYYA, J.)