

ODC 16 & 17

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

AP/32/2023
IA NO:GA/1/2023

ANJURA BIBI AND ANR.
VS
TATA CAPITAL FINANCE SERVICES LIMITED

With

EC/322/2022

TATA CAPITAL FINANCIAL SERVICES LIMITED
VS
ANJURA BIBI AND ANR.

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date: 2nd March, 2023.

Appearance:

Mr. Avishek Guha, Adv.

Ms. Akansha Chopra, Adv.

Mr. Subhonil Chakraborty, Adv.

Mr. Subrata Saha, Adv.

Mr. S. Naskar, Adv.

Mr. A. Biswas, Adv.

The Court: The Section 34 application is heard. It appears that the Arbitrator was appointed by the award-holder in a unilateral manner. There are several other grounds of challenge also in the Section 34 application. However, a very fact that the arbitration award was passed by an Arbitrator unilaterally appointed, makes the award a nullity and accordingly, it is required to be set aside.

Counsel appearing on behalf of the award-holder has consented to appointment of a new Arbitrator in this matter to resolve the disputes between the parties. Counsel on behalf of the award-debtor waives the applicability of the Section 21 notice in this matter and consents to appointment of the Arbitrator by this Court.

In light of the same, Sk. Sariful Haque, Advocate (Mobile No.9674472239), is appointed as Arbitrator to resolve the dispute 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.

Accordingly, IA No.GA/1/2023 and AP/32/2023 are disposed of.

In view of the order passed above, the execution application has become infructuous and is, accordingly, disposed of.

The Receiver appointed in the said execution application is also discharged.

(SHEKHAR B. SARAF, J.)