

OD-17

ORDER SHEET

AP/56/2023

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

ICA EDU SKILLS PRIVATE LIMITED  
Versus  
RAHUL GOEL

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 15<sup>th</sup> June, 2023.

Appearance:

*Mr. Subhrajyoti Dey, Adv.*

*Mr. Mohit Gupta, Adv.*

*Ms. Mousumi Paul, Adv.*

The Court: The dispute between the parties would appear from the contrarian stand taken on behalf of the respondent who says, through learned counsel, that the petitioner has not disclosed a copy of the agreement which has been referred to in paragraph 16 of the application. Paragraph 16 refers to Clause 17.4 of an agreement dated 1<sup>st</sup> August, 2018.

The facts presented to the Court show that the agreement which was entered into between the parties in 2018 was renewed several times thereafter culminating in the agreement of 1<sup>st</sup> February, 2022. The petitioner has invoked the arbitration clause under Clause 17.4 of the said agreement in its letter to the respondent dated 17<sup>th</sup> August, 2022. The first paragraph of the

said letter refers to the agreement dated 1<sup>st</sup> February, 2022 and the clause therein. The respondent did not reply to this letter.

The dispute also relates to the petitioner's claim made under the franchise agreements culminating in the agreement dated 1<sup>st</sup> February, 2022 under which the petitioner gives certain rights to the respondent to open a centre for educating students in taxation and accounts. The petitioner claims an outstanding amount of Rs.8.55 lakhs from the respondent on account of materials supplied to the respondent. There is little doubt that dispute exists between the parties and the parties hence come under Section 11(6)(a) of the 1996 Act.

AP/56/2023 is accordingly allowed and disposed of by appointing Mr. Rachit Lakhmani, Advocate of this Court to act as the sole Arbitrator for resolving the disputes and differences between the parties, subject to the Arbitrator communicating his willingness to act as such to the Registrar, Original Side, of this Court within three weeks from date. The consent shall be in the required form under Section 12 read with the Schedules to the 1996 Act. Let this order be communicated to the Arbitrator forthwith.

(MOUSHUMI BHATTACHARYA, J.)