

AP/59/2023

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTIONM/S. GANAPATI BUILDERS AND ANR.
VERSUS
RAKHI DEY SARKAR AND ORS.BEFORE:
THE HON'BLE CHIEF JUSTICE PRAKASH SHRIVASTAVA
DATE : 23RD MARCH, 2023

APPEARANCE:

Mr. Anirban Guin, Advocate
Mr. Shashwat Nayak, Advocate
....for the petitionerMr. Somnath Ghosal, Advocate
Mr. Somnath Sengupta, Advocate
...for the respondent

The Court:- This application under Section 11 of the Arbitration and Conciliation Act, 1996 has been filed for appointment of arbitrator to resolve the dispute between the parties.

The arbitration agreement in the form of development agreement dated 5th April, 2018 between the parties is not in dispute, which contains the following arbitration clause:

11.1 Disputes relating to this Agreement or its interpretation shall be referred to the Arbitration of an Arbitral Tribunal consisting of Two Arbitrators one each to be appointed by the parties hereto as per their choice and they (Arbitrators) appoint one Umpire. The award of the Umpire shall be final and binding upon the parties. The Arbitration proceedings will be in Kolkata unless otherwise agreed.

It has been pointed out that the applicant had served a notice dated 5th November, 2022 in terms of Section 21 of the Act which was duly received and replied to by the respondent. But since there was no consensus in respect of the name of the Arbitrator, therefore, sole Arbitrator could not be appointed.

A joint request has been made by learned Counsel for both the parties to appoint sole Arbitrator to resolve the dispute between the parties. Hence, A.P. No.59 of 2023 is allowed. Mr. Soumya Dasgupta (9830576448), Advocate of this Court is appointed as the sole arbitrator to resolve the disputes between the parties, 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.

(PRAKASH SHRIVASTAVA, C.J.)