

OD 8, 9 & 14

ORDER SHEET  
IN THE HIGH COURT AT CALCUTTA  
ORDINARY ORIGINAL CIVIL JURISDICTION  
ORIGINAL SIDE

APO/19/2023  
IA No: GA/1/2023

RAJARHAT I. T. PARK LIMITED  
VS  
MAHESHRAJKA PHARMACEUTICALS PRIVATE LIMITED

AND

APO/20/2023  
IA NO: GA/1/2023

RAJARHAT I. T. PARK LIMITED  
VS  
LA-CHEMICO PRIVATE LIMITED

AND

AP/60/2023  
WITH  
AP/61/2023

RAJARHAT I. T. PARK LIMITED  
VS  
LA-CHEMICO PRIVATE LIMITED

BEFORE:  
The Hon'ble JUSTICE SHEKHAR B. SARAF  
Date: 5<sup>th</sup> April, 2023.

*Appearance:*  
Mr. Pramit Kr. Ray, Sr. Adv.  
Mr. Arijeet Doss Mullick, Adv.  
Ms. Atmaja Bandhopaddhyay, Adv.  
Mr. Subhojit Mullick, Adv.

Mr. S. Ray, Adv.  
Mr. Sitikanta Mitra, Adv.

The Court: AP/60/2023 and AP/61/2023 are applications under Section 14 of the Arbitration and Conciliation Act, seeking a substitution of the said Arbitrator. The other two applications being APO/19/2023 and APO/20/2023 are appeals under Section 37 of the Act. A letter has been received by the said Arbitrator dated 3<sup>rd</sup> April, 2023 wherein in paragraph 3 he has submitted that he does not wish to proceed further to act as a sole Arbitrator and has desired to recuse himself as the sole Arbitrator from the proceedings. Without going into the other contents of the said letter, this Court accordingly, acquiesces to the said refusal. Parties have also agreed that they would like to have the arbitration in Kolkata.

In light of the same, I appoint Justice Girish Chandra Gupta, Former Chief Justice of Calcutta High Court as an Arbitrator in this matter. 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.

With regard to the appeals under Section 37, the appellant herein has undertaken to not part with possession of the said flats for a period of three months or until further orders as passed by the learned Arbitrator, whichever is earlier.

The impugned orders under both the applications are set aside in light of the above undertaking given by the counsel appearing on behalf of the appellant.

APO/19/2023, APO/20/2023, AP/60/2023, AP/61/2023 and all the connected applications are disposed of.

(SHEKHAR B. SARAF, J.)

sp/