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

AP/80/2023

BILLY MEHRA AND ANOTHER
-Versus-
KHETAWAT TOWERS LLP

BEFORE :

THE HON'BLE JUSTICE SABYASACHI BHATTACHARYYA

Date : 2nd May, 2023

Appearance :

Mr. Suddhasatva Banerjee, Adv.
Ms. Rituparna Chatterjee, Adv.
Mr. Pourush Bandopadhyay, Adv.
..for the petitioner..

Mr. Abhrajit Mitra, Sr. Adv.
Mr. Satadeep Bhattacharyya, Adv.
Ms. Shruti Swaika, Adv.
Ms. Yukti Agarwal, Adv.
...for the respondent.

The Court : Learned counsel for the parties jointly submit the terms of agreement between the parties. It is submitted, on instructions, that both the parties agree to the said terms, which terms are as follows :

- "(i) All disputes and differences, in terms of the Arbitration Agreement contained in the Development Agreement dated 12th December, 2014 between the parties thereto is referred to arbitration for adjudication thereof by a Sole Arbitrator.
- (ii) The order dated 28th September, 2022 passed in the Section 9 application being Misc. Arbitration Case No.101 of 2022 filed by the petitioner herein and the order dated 29th September, 2022 passed in FMAT No.417 of 2022 arising out of T.S. No.1409 of 2022

shall subsist and continue till the conclusion of the arbitral proceedings.

- (iii) The petitioner undertakes to withdraw the proceeding being Misc. Arbitration Case No.101 of 2022, whereas the respondent No.1 undertakes to withdraw the proceeding being T.S. No.1409 of 2022, upon disposal of the present application.*
- (iv) All issues that may arise between parties hereto are left open for the Tribunal to decide and adjudicate upon.*
- (v) The present application under Section 11 stand disposed of on recording of such terms."*

The draft of the said terms be kept on record. The dispute arising between the parties is also otherwise arbitrable and falls within the purview of the arbitration clause in the agreement in question.

Keeping on record such terms, in view of the agreement of the parties to the appointment of an Arbitrator, AP No.80 of 2023 is allowed, thereby appointing Mr. Suman Dutt (Mobile No.9830403181), an Advocate of this Court and a member of the Bar Library Club, to resolve the disputes between the parties, subject to obtaining declaration/consent from him under Section 12 of the 1996 Act.

(SABYASACHI BHATTACHARYYA, J.)

