

ODC-25

ORDER SHEET

AP/191/2021

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
(Commercial Division)

MERLIN PROJECTS LIMITED
VS
CONNAUGHT PLAZA RESTAURANTS PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date : 3rd May, 2023

Appearance:

Mr. Abhrajit Mitra, Sr. Adv.

Ms. Rajshree Kajaria, Adv.

Mr. Satadeep Bhattacharyya, Adv.

...for the petitioner

Mr. Pramit Kumar Ray, Sr. Adv.

Ms. Atmaja Bandyopadhyay, Adv.

...for the respondent

The Court: Heard Counsel appearing on behalf of the parties.

Both parties agree to appointment of an Arbitrator to be decided by the Court.

Accordingly, by consent of parties, Justice Subhro Kamal Mukherjee (Retired) is appointed as Arbitrator.

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 Arbitration & Conciliation Act, 1996 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.

It is submitted on behalf of the petitioner that an application filed on behalf of the petitioner under Section 9 of the said Act is pending before the Commercial Court, Alipore and that the same has been entertained by the said Court and is at an advanced stage of hearing. In view of the judgment reported in (2022) 1 SCC 712 (Arcelor Mittal Nippon Steel India Limited vs. Essar Bulk Terminal Limited) I make it clear that the constitution of the Arbitral Tribunal shall not affect the hearing and disposal of the said application, as expeditiously as possible.

AP/191/2021 is, accordingly, disposed of.

(SHEKHAR B. SARAF, J.)