

OD-8

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

AP/88/2023

COLLIERS INTERNATIONAL
(INDIA) PROPERTY SERVICES PRIVATE LIMITED
VS
MASTERLY COMMERCIAL
FACILITY MAINTENANCE PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 24th April, 2023

Appearance:
Mr. Kumarjit Banerjee, Adv.
Ms. Sanchari Chakraborty, Adv.
Ms. Akansha Chowdhury, Adv.
Ms. Abhishikta Choudhury, Adv.
...for the petitioner

Ms. Vedika Sureka, Adv.
...for the respondent

The Court:- Learned counsel for the petitioner points out to the arbitration clause contained in the property management service agreement between the parties dated June 9, 2020. It is clear from the said clause, that is, Clause 13 of the agreement that the same provides for arbitration in case of any dispute arising out of or in connection with the agreement and any other document to be executed in connection therewith, including any question regarding its existence, validity or termination.

The invocation notice is also annexed at page 52 of the writ petition. It is evident from the said invocation notice dated October 20, 2022 and the reply thereto that the pre-conditions for invocation of Section 11 of the Arbitration and Conciliation Act, 1996 have been satisfied. Since the dispute is inherently

arbitrable and falls within the purview of the arbitration clause, as indicated above, there is no bar in appointing an arbitrator.

In as much as the opposition of the respondent is concerned, the same is primarily related to the merits of the contentions of the party relating to the dispute itself and will be decided by the arbitrator, as and when appointed.

Accordingly, AP/88/2023 is allowed, thereby appointing Mr. Tanmay Mukherjee (Mob. No: 9874218610), an Advocate practising in this Court and a member of the Bar Association as the sole arbitrator to resolve the disputes between the parties, subject to obtaining his declaration/consent under Section 12 of the Arbitration and Conciliation Act, 1996.

(SABYASACHI BHATTACHARYYA, J.)