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ORDER SHEET
AP/109/2023
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

TARUN KANJILAL
VS
SARADA BUILDCON LIMITED AND ANR

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date: 13th June, 2023.

Appearance:
Mr. Brotin Kumar Dey, Adv.
Ms. Anjana Banerjee, Adv.
. . .for the petitioner.

Mr. Arijit Sarkar, Adv.
. . .for the respondents.

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

This is an application under Section 11 of the Arbitration and Conciliation Act, 1996 wherein the petitioner seeks appointment of an Arbitrator to resolve the disputes between the parties. The petitioner refers to Clause 8 of the Development Agreement dated 9th December, 2014 to indicate the Arbitration agreement between the parties.

The said clause is delineated Below:

"Arbitration

Apart from the above subject if there is any difference of opinion or dispute on any other subject or if there is any dispute or difference of opinion regarding the responsibility of either party then the said dispute has to be

resolved by appointing one or more arbitrators. Both parties shall be bound to abide by the decision of the arbitrators.”

It is to be noted that the petitioner had terminated the Registered Development Agreement and revocation of the Registered Power of Attorney both dated 9th December, 2014. The said termination had taken place on 17th August, 2020 and the present application was filed on 16th February, 2023.

Counsel on behalf of the respondent has raised point of limitation. However, it is clear from the documents mentioned above that the cause of action started on 17th August, 2020 when the termination/revocation of the above mentioned agreement took place.

Since the application has been filed within three years, it is clear that there is no bar of limitation and the dispute is very much arbitrable.

In view of the above, Mr. Rudraman Bhattacharyya, Advocate (Mobile No. 9830731277) is appointed as the sole Arbitrator to resolve the disputes between the parties. 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.

AP/109/2023 is, accordingly, disposed of.

(SHEKHAR B. SARAF, J.)

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