

ORDER SHEET

AP/314/2021

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

M/S. ZILLON INFRAPROJECTS PVT. LTD.
VS
BHARAT HEAVY ELECTRICALS LIMITED

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date : 23rd March, 2023

Appearance:

Mr. Sumit Kumar, Adv.

Mr. Soumen Das, Adv.

Mr. Altamash Alim, Adv.

...for the petitioner

Mr. Aniruddha Bhattacharya, Adv.

...for the respondent

The Court: Affidavit-in-opposition and reply be taken on record.

Heard Counsel appearing on behalf of the parties.

In this Section 11 petition the respondent has taken a ground that talks of amicable settlement are going on as per Clause 2.21 of the GCC. It appears from the documents that such amicable settlement talks are going on from the year 2020 till date without any resolution having taken place.

In light of the same, I am of the view that no purpose would be served by allowing this amicable settlement to continue as more than two years have already passed. Accordingly, the Section 11 application is allowed and this

Court appoints Justice Sahidullah Munshi, Former Judge of Calcutta High Court as 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/314/2021 is accordingly disposed of.

(SHEKHAR B. SARAF, J.)

R.Bhar