

ORDER

OD-21 & 29

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

AP/124/2023

COSMIC MAPL JV
VERSUS
AL-AMIN GARMENTS HAAT PRIVATE LIMITED

AP/160/2023

AL-AMIN GARMENTS HAAT PRIVATE LIMITED
VERSUS
COSMIC MAPL JV

BEFORE:
THE HON'BLE CHIEF JUSTICE PRAKASH SHRIVASTAVA
DATE : 23RD MARCH, 2023

APPEARANCE:

Mr. Debnath Ghosh, Advocate
Mr. Rahjarshi Dutta, Advocate
Mr. Deepak Jain, Advocate
...for the petitioner in AP/124/2023 &
respondent in AP/160/2023.

Mr. Rajeev Kumar Jain, Advocate
Mr. Saunak Sengupta, Advocate
Mr. Abhirup Chakraborty, Advocate
Ms. Laila Khatun, Advocate
...for the respondent in AP/124/2023 &
petitioner in AP/160/2023.

The Court:- Both the parties to the agreement dated 7th January, 2019 have filed the respective applications under Section 11 of the Arbitration and Conciliation Act, 1996 for deciding the dispute between the parties.

The arbitration agreement has been admitted by both the parties which contains the following arbitration jurisdiction clause :

“ARBITRATION AND CONCILIATION :

24.5 In case of there being any dispute or difference or misunderstanding by and between the parties hereto concerning or relating to or arising out of this agreement and/or interpretation of this agreement or any of the clauses herein recorded and/or the completion

of the transaction as per this agreement, the parties would hold joint meetings and make all possible efforts to conciliate and/or settle such disputes and/or differences and/or misunderstanding mutually.

24.6 In the event the parties hereto being not able to amicably clarify the confusions and/or misunderstandings and/or to mutually resolve the disputes and/or differences as provided hereinabove, all disputes and differences by and between the parties hereto concerning or relating to or arising out of this Agreement or with regard to interpretation of this Agreement or any of the clauses herein recorded and/or the respective claims of the parties, the same shall be referred to the sole Arbitrator to be nominated by the parties for final adjudication as per the provisions of the Arbitration and Conciliation Act, 1996. The sole Arbitrator shall have summary power but shall be required to record the reasons awards.”

Learned counsel for both the parties have submitted that though the parties want to go for arbitration, there is no consensus in respect of the name of the Arbitrator.

Under the above circumstances, the applications are disposed of by appointing Justice Indira Banerjee, former Hon’ble Judge of the Hon’ble Supreme Court as the sole arbitrator to resolve the disputes between the parties, 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 learned Arbitrator by the Registrar, Original Side, forthwith.

(PRAKASH SHRIVASTAVA, C.J.)