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

AP/131/2023

SREI EQUIPMENT FINANCE LTD
VS
T K CONSTRUCTION PRIVATE LIMITED AND ANR

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 5th April, 2023

Appearance:
Mr. Swatarup Banerjee, Adv.
Ms. Indranil Basak, Adv.
...for the petitioner

The Court:- Despite service, none appears for the respondents.

Learned counsel for the petitioner points out, by placing reliance on the communication/order of the sole arbitrator Shri Sunit Kumar Srivastava to indicate that he has recused himself on personal health grounds as arbitrator.

Hence, the petitioner has been prompted to file the present application for appointment of another arbitrator.

It is seen from the annexure to the application that there was an agreement dated March 15, 2020 in respect of loan pertaining to hypothecation between the parties.

Clause 23 of the agreement provides for arbitration. In view of the nature of the dispute arisen between the parties on the basis of alleged non-payment, the dispute squarely falls within the purview of such arbitration clause and is arbitrable otherwise.

Hence, AP/131/2023 is disposed of by appointing Justice Sahidullah Munshi, a former Judge of this Court residing at 21A/1, Dr. Lal Mohan Bhattacharjee Road, Kolkata- 700 014 (Mobile No. - 8335073597) as the sole Arbitrator to decide the disputes between the parties, subject to obtaining consent from the arbitrator within the contemplation of Section 12 of the Arbitration and Conciliation Act, 1996.

(SABYASACHI BHATTACHARYYA, J.)

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