

OD 6

AP/137/2023

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

IGW INDIA TECHNOLOGIES PVT. LTD.
VS
GENERAL MANAGER,
CHITTARANJAN LOCOMOTIVE WORKS AND ANR.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date: 17th April, 2023.

Appearance:
Mr. Sagnik Basu, Adv.
Mr. Shayak Mitra, Adv.
Mrs. Nidhi Bahal, Adv.
Mr. Subhrajyoti Dey, Adv.
...for the petitioner

Mr. Sunil Kr. Singhania, Adv.
Mr. Arka Bhattacharya, Adv.
...for the respondents

The Court: Affidavit of service filed in Court today be kept on record.

Heard learned counsel for the parties. There is no specific denial to the existence of the arbitration clause in the contract between the parties, which is also incorporated in the Notice Inviting Tender. It transpires from Clause 2.21 of the said document that there was a provision of pre-arbitration meetings, which is submitted to have been exhausted in the present case. However, there was no

agreement on the Arbitrator to be appointed, either from any panel of the respondents or otherwise.

A perusal of the document indicates that the matter is arbitrable and the dispute between the parties falls within the contemplation of the arbitration clause.

Hence, AP/137/2023 is allowed, thereby appointing Justice Alope Chakrabarti, a former Judge of this Court, residing at Uniworld City Horizons, Tower 4, Flat No.-203, New Town, Kolkata – 700 135 (Mobile No. – 9831644202), as the sole Arbitrator to resolve the dispute between the parties, subject to obtaining consent/declaration under Section 12 of the 1996 Act.

(SABYASACHI BHATTACHARYYA, J.)