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

AP/164/2023

TATA CAPITAL FINANCIAL
SERVICES LIMITED
VS
KRISHNA AUTOMOBILES AND ORS.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 1st May, 2023

Appearance:
Mr. Avishek Guha, Adv.
Ms. Akansha Chopra, Adv.
...for the petitioner

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

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

The petitioner seeks a reference to arbitration. An invocation under Section 21 of the Arbitration and Conciliation Act, 1996 finds place as annexure-E at page 132 of the present application under Section 11, dated February 17, 2023. As averred in the application, there was no response on behalf of the respondents to such invocation.

It is evident from the document annexed to the present application that, from time to time, there were finance loan agreements entered into between the parties. The last such agreement was dated September 7, 2021. In Clause 12 of the said agreement, there is a provision for arbitration which covers the dispute now arisen between the parties.

Hence, AP/164/2023 is allowed, thereby appointing Justice Md. Mumtaz Khan, residing at 'Merlin River View', 15, Kabitirtha Sarani, Flat-Tide- 11E, Watgunj, Khidirpur, Kolkata, West Bengal 700023 (Mobile No. 8336932293 / 7439185970), a former Judge of this Court, as the sole arbitrator to resolve the disputes between the parties, subject to obtaining his declaration/consent under Section 12 of the Arbitration and Conciliation Act, 1996.

(SABYASACHI BHATTACHARYYA, J.)