

ODC-15 & 19

ORDER SHEET

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

AP/165/2023

KRANTI INFRA PROJECTS PRIVATE LIMITED
VS
SREI EQUIPMENT FINANCE LIMITED

AND

AP/166/2023

KRANTI INFRA PROJECTS PRIVATE LIMITED
VS
SREI EQUIPMENT FINANCE LIMITED

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date : 17th April, 2023

Appearance:

Mr. Supriyo Gole, Adv.

Mr. Zeeshan Haque, Adv.

Mr. A.K. Awasthi, Adv.

...for the petitioner

Mr. Swatarup Banerjee, Adv.

Mr. Shariful Haque, Adv.

Mr. Saubhik Chowdhury, Adv.

Ms. Tapasika Bose, Adv.

...for the respondent

Re. AP/165/2023 :-

The Court: This Section 34 application emanates from an award passed by an Arbitrator who has been unilaterally appointed.

In light of the judgments in *Perkins Eastman Architects DPC v. HSCC (India) Limited* reported in (2020) 20 SCC 760, *TRF Limited v. Energo Engineering Projects Ltd.* reported in (2017) 8 SCC 377 and in *Bharat Broadband Network Ltd. v. United Telecoms Ltd.* reported in (2019) 5 SCC 755 and also a judgment passed by me in the matter of *Cholamandalam Investment and Finance Co. Ltd. versus Amrapali Enterprises and Anr* in EC/122/2022, the award is a nullity and is, accordingly, set aside.

Accordingly, this Court appoints Justice Bhaskar Bhattacharya, Former Chief Justice of Gujarat High Court as the sole Arbitrator in the matter.

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/165/2023 is, accordingly, disposed of.

Re. AP/166/2023 :-

AP/166/2023 being the Section 36 application herein has accordingly become infructuous and is treated as disposed of.

(SHEKHAR B. SARAF, J.)