

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

AP/174/2023

COLLIERS INTERNATIONAL (INDIA) PROPERTY SERVICES PRIVATE LIMITED
VS
EMAMI REALTY LIMITED

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 11th April, 2023.

Appearance :

Mr. Kumarjit Banerjee, Adv.
Mr. Sanchari Chakraborty, Adv.
Ms. Akanksha Chowdhury, Adv.
Ms. A. Chowdhury, Adv.
..for the petitioner

Ms. Vedika Sureka, Adv.
..for the respondent

The Court : Despite service, none appears on behalf of the respondent.

The affidavit of Service filed in Court be kept with the records.

Learned Counsel appearing for the petitioner, by placing reliance on Clause 9.3 of the concerned agreement dated March 2, 2019 entered in respect of Property Management Service between the parties, submits that the same clearly provides for arbitration in case of any dispute arising between the parties in respect of the agreement.

Upon hearing learned counsel for the petitioner, it is evident that the dispute arising in the present case clearly falls within the ambit of the said

arbitration clause in Clause 9.3 of the agreement. Moreover, the dispute itself is arbitrable and no question has been raised regarding the validity of the arbitration clause itself.

At this juncture, learned counsel having instruction to appear for the respondent contends that the respondent is armed with several documents to contradict the allegations made on behalf of the petitioner on merits. However, upon query of Court, it is disclosed that there is no dispute *per se* regarding the validity of the arbitration clause itself and the controversy relates to the crux of the principal dispute between the parties.

Hence, the matter falls within the scope of Section 11 of the Arbitration and Conciliation Act, 1996.

Accordingly, Mr. Piyush Chaturvedi, an Advocate practicing in this Court is appointed as sole arbitrator to resolve the dispute between the parties, subject to obtaining his consent/declaration under Section 12 of the Arbitration and Conciliation Act, 1996.

(SABYASACHI BHATTACHARYYA, J.)