

OD-9

AP/208/2023

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

MANGAL ELECTRICAL INDUSTRIES
PRIVATE LIMITED

-VERSUS-

ANDREW YULE AND COMPANY LIMITED

BEFORE

The Hon'ble Justice SABYASACHI BHATTACHARYYA

Date: 17th May, 2023

APPEARANCE

Mr. Ratul Das, Adv.

Mr. Sumit Biswas, Adv.

Mr. R. Bhowmick, Adv.

...for the petitioner.

Ms. Neelina Chatterjee, Adv.

Mr. Suvadeep Chakraborty, Adv.

...for the respondent.

The court: Affidavit-in-opposition filed today be kept on record. However, since the dispute can be resolved in view of the following observations, further time for filing affidavit-in-reply is not granted.

Learned counsel appearing for the petitioner contends that in view of the arbitration clause appearing in both the purchase orders, pertaining to which the present dispute is arising in a composite form, the matter may be referred to

arbitration. It is further submitted that there has been no consensus between the parties regarding the arbitrator to be appointed.

Learned counsel for the respondent formally raised an objection at the inception that the invocation as well as the Section 11 application are bad in their composite form, since the two purchase orders contain separate arbitration clause and are independent agreements for all practical purposes.

Learned counsel appearing for the petitioner controverted such submission on the ground that the agreements are intrinsically inter-linked. That apart, both pertain to the same tender, in respect of which two purchase orders were issued between the same parties.

In any event, on instruction, learned counsel for the respondent does not seriously oppose the composite nature of the application under Section 11 of the Arbitration and Conciliation Act, 1996 and/or the invocation when the matter is called on for hearing today. Since the parties are agreed on principle to the appointment of an arbitrator, no further impediment can lie in the course of action of appointing an arbitrator.

Accordingly, AP/208/2023 is allowed, thereby appointing Mr. Om Narayan Rai (Mobile No. 9874958601), a practising Advocate of this Court, as sole arbitrator to

resolve the disputes between the parties subject to obtaining consent/declaration under Section 12 of the 1996 Act from the proposed Arbitrator.

(SABYASACHI BHATTACHARYYA, J.)

A/s.