

IN THE HIGH COURT AT CALCUTTA  
ORDINARY ORIGINAL CIVIL JURISDICTION  
ORIGINAL SIDE

AP/233/2023

M/S. OSCORP INDUSTRIES PVT. LTD.  
VS.  
UNION OF INDIA AND ORS.

BEFORE :  
THE HON'BLE JUSTICE SABYASACHI BHATTACHARYYA  
Date : 15<sup>th</sup> May, 2023

Appearance :  
*Mr. Arindam Banerjee, Adv.*  
*Mr. Animesh Paul, Adv.*  
*.....for petitioner.*  
*Mr. Atarup Banerjee, Adv.*  
*Ms. Anamika Pandey, Adv.*  
*...for the respondent nos.1 and 2.*

The Court : - At the outset, an objection as to territorial jurisdiction is taken by the respondents on the ground that the cause of action arose primarily in Raipur.

Learned counsel for the petitioner, while controverting such submission, contends that several correspondences and other components of the cause of action arose within the State of West Bengal at Baltikuri, Howrah. As such, it is submitted that at least a part of the cause of action arose within the territorial jurisdiction of this Court. In such view of the matter, this court has jurisdiction to entertain this application.

It transpires from the submissions of the parties that the respondent authorities sought to appoint a person from the panel of the respondents themselves as arbitrator, which cannot be permitted in view of the provisions of section 12 of the Arbitration and Conciliation Act, 1996.

Hence, since an arbitral dispute between the parties has arisen within the contemplation of the arbitration clause, AP/233/2023 is allowed, thereby appointing Justice Asok Kumar Ganguly (Mobile no. 9674389222), a former Judge of the Supreme

Court of India, as the sole arbitrator to resolve the disputes between the parties, subject to obtaining his declaration/consent under Section 12 of the Arbitration & Conciliation Act, 1996.

(SABYASACHI BHATTACHARYYA, J.)

pkd.