

OD - 15

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

AP/246/2023

SHIVAM INDUSTRIAL PARKS AND
ESTATES LIMITED

-Versus-

SALTEE INFRASTRUCTURE LIMITED

BEFORE :

THE HON'BLE JUSTICE SABYASACHI BHATTACHARYYA

Date : 2nd May, 2023

Appearance :

Mr. Jishnu Chowdhury, Adv.

Ms. Ujjyaini Chatterjee, Adv.

Mr. Nishant Kumar Saraf, Adv.

..for the petitioner..

Mr. Rahul Karmakar, Adv.

Mr. Sounak Mukherjee, Adv.

...for the respondent.

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

Learned counsel for the petitioner contends that there
is an arbitration clause in the registered and duly stamped
agreement dated April 7, 2014 between the parties. The dispute
which has arisen between the parties falls within the purview
of the said arbitration clause and is otherwise arbitrable.

Learned counsel for the respondent submits that the
respondent does not admit any of the claims made by the
petitioner on merits. However, per se, there is no objection to
an Arbitrator being appointed.

Upon the submission of the parties and documents on record, it is clear that the matter is arbitrable and otherwise falls within the domain of Section 11 of the Arbitration and Conciliation Act, 1996.

Since the respondent has suggested the name of Justice Jyotirmay Bhattacharya, a former Chief Justice of this Court and learned counsel for the petitioner does not oppose such appointment, AP No.246 of 2023 is allowed, thereby appointing Justice Jyotirmay Bhattacharya (Contact No.033 2441 3509, Mobile No.9830929738) a former Chief Justice of this Court, to resolve the disputes between the parties, subject to declaration/consent being obtained from him under Section 12 of the 1996 Act.

It is, however, made clear that the merits of the disputes, needless to say, are kept open for being decided by the Arbitrator.

(SABYASACHI BHATTACHARYYA, J.)