

OD 4

ORDER SHEET
AP/169/2022
WITH
AP/170/2022
EC/53/2022
EC/82/2021
IA NO:GA/1/2022
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

MD. ARIFUDDIN MOLLA
VS
MICKY METALS PVT. LTD.

BEFORE:
The Hon'ble JUSTICE SHEKHAR B. SARAF
Date: 15th May, 2023.

Appearance:
Mr. Abdul Hamid Molla, Adv.
Md. Abdul Halim, Adv.
...for the petition

Mr. Priyankar Saha, Adv.
Mr. Abhijit Sarkar, Adv.
Mr. Ratul Das, Adv.
Mr. Abhik Chitta Kundu, Adv.
...for the defendant

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

In light of the same, keeping in mind the judgment passed by the Hon'ble Supreme Court in *TRF Limited v. Energo Engineering Projects Ltd.* reported in

(2017) 8 SCC 377 and in *Perkins Eastman Architects v. HSCC (India) Limited* reported in (2019) 9 SCC Online SC 1517, this award is set aside.

Both parties have agreed that this Court appoints an Arbitrator in this matter. Accordingly, Mr. Rudraman Bhattacharyya, Advocate, (Mobile No.9830731277) is appointed as Arbitrator to resolve the disputes between the parties. 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.

The interim orders passed in the execution petitions are vacated.

The bank accounts that have been frozen are required to be de-frozen by the bank concerned.

AP/169/2022, AP/170/2022, EC/53/2022 and EC/82/2021 and the connected application being IA No.GA/1/2022 are disposed of.

(SHEKHAR B. SARAF, J.)