

OD-7

ORDER SHEET

AP/260/2023

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

VIKAS BHUWALKA
Versus
M/S. BANSAL MARBLE CENTRE

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 27th June, 2023.

Appearance:

Mr. Hareram Singh, Adv.

Mr. Bhaskar Dwivedi, Adv.

Ms. Shilpa Das, Adv.

...for the petitioner

Mr. Emon Bhattacharya, Adv.

Ms. Pooja Sah, Adv.

...for the respondent

The Court: The application under Section 11(6) of the Act is admittedly premature. The petitioner sent a notice to the respondent under Section 21 of the Act on 31st March, 2023. The notice was received by the respondent on 12th April, 2023 and the present application was filed on 28th April, 2023.

Although learned counsel appearing for the petitioner seeks to withdraw the application and file afresh, it is clear that the application does not fulfil the statutory requirement of Section 11(5) of the Act.

Under Section 11(5), parties are given 30 days from receipt of a request by the other party to agree on the Arbitrator.

Since the petitioner has not satisfied this condition and has filed the present application before the expiry of 30 days, i.e., before 11th May, 2023, when the 30 days period would have expire, AP/260/2023 is dismissed without any order as to costs.

(MOUSHUMI BHATTACHARYA, J.)

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