

OD-1

ORDER SHEET

AP/264/2023

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

M/S. RGM INTERNATIONAL INDIA PVT LTD
Versus
EASTERN RAILWAY CONSTRUCTION DEPARTMENT

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 15th June, 2023.

Appearance:

Mr. Sanjoy Bose, Adv.

Mr. P.B. Mullick, Adv.

...for the petitioner

Ms. Aparna Banerjee, Adv.

...for the respondent

The Court: The dispute which exists between the parties is apparent from the record. The petitioner is a contractor who was issued a work order by the Railways on 19th April, 2022. The petitioner was compelled to start the work of protection, dismantling of structures and other construction works between Rasulpur and Saktigarh from April, 2022. The petitioner complained that the petitioner was forced to do the work despite the site not being made ready by the Eastern Railway. A formal contract was entered into between the parties after a substantial period of time on 3rd August, 2022. Disputes followed between the parties with regard to the completion of work and the Railways

issued three show-cause notices on the petitioner on 5th, 16th and 30th August, 2022. The contract was finally terminated on 2nd September, 2022. The petitioner thereafter invoked the arbitration clause by way of a letter dated 16th September, 2022 to which the respondent Railways did not reply.

Although Clause 64.1 of the General Conditions of Contract provides for arbitration, it is evident that parties have failed to agree to the procedure in the contract and would hence come under Section 11(6)(a) of the 1996 Act.

AP/264/2023 is, accordingly, allowed and disposed of by appointing Mr. Suvra Sankar Bhatta, District Judge (Retd.) to act as the sole Arbitrator for resolving the disputes and differences between the parties and subject to the Arbitrator communicating his consent to act as the Arbitrator in the required format including under Section 12 and the Schedules to the 1996 Act. The consent shall be communicated to the Registrar, Original Side within three weeks from date and this order is to be communicated to the Arbitrator forthwith.

(MOUSHUMI BHATTACHARYA, J.)