

OD 9

ORDER SHEET
IA NO.GA/1/2022
In
EC/244/2021
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

M/S. CHOLAMANDALAM INVESTMENT AND FINANCE COMPANY LIMITED
VS
ABDUL WALI KHAN AND ANR.

BEFORE:
The Hon'ble JUSTICE SHEKHAR B. SARAF
Date: 19th January, 2023.

Appearance:
Mr. Ranjit Singh, Adv.
Mrs. Pooja Sett Chakraborty, Adv.

Mr. Shuasish Sengupta, Adv.
Mr. Balarko Sen, Adv.
Mr. Ritesh Kumar Ganguly, Adv.

The Court: Heard counsel appearing on behalf of the parties.

This is an execution application against an award passed by an Arbitrator who was unilaterally appointed by the award-holder.

Considering the facts and circumstances of the case and upon hearing counsel appearing on behalf of the parties, I am of the view that the award is required to be set aside on the condition that the respondent herein shall deposit

a sum of Rs.5 lakhs before the Registrar, Original Side, within a period of three weeks from date. On receipt of the said money, the Registrar, Original Side is directed to keep the said sum of money in an interest bearing fixed deposit.

Both parties have also consented to appointment of a new Arbitrator. Accordingly, Mr. Deepan Sarkar, Advocate, Bar Library Club, is appointed as Arbitrator. 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 arbitration award dated 19th February, 2021 shall be treated to be a nullity.

Parties shall be at liberty to move further Section 17 application before the newly appointed Arbitrator.

Accordingly, IA No.GA/1/2022 and EC/244/20221 are disposed of.

Warrant of arrest, if any, stands recalled.

(SHEKHAR B. SARAF, J.)