

OCD-2

ORDER SHEET

AP/332/2023

IN THE HIGH COURT AT CALCUTTA  
Ordinary Original Civil Jurisdiction  
ORIGINAL SIDE  
(Commercial Division)

M/S. SINGH CONSTRUCTION CORPORATION  
Versus  
THE WEST BENGAL COOPERATIVE SPINNING MILLS LTD.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 14<sup>th</sup> June, 2023.

Appearance:

Dr. Rudra Prasad Motilal, Adv.  
Mr. Pasupati Sana, Adv.

Mr. Kaushik Chatterjee, Adv.  
Mr. Nilanjan Adhikari, Adv.

The Court: The dispute between the parties relates to unpaid bills. The petitioner was awarded three contracts for civil and structural work of the main plant building at the mill site of Serampore, Hooghly by the respondent. The dates of the contracts are 17<sup>th</sup> July, 2017 and 2<sup>nd</sup> January, 2019; two of the contracts were executed on the same date.

The petitioner claims that the petitioner has completed the work in terms of the contract and to the satisfaction of the respondent within the time stipulated under the contracts and the respondent made payment of approximately Rs.1 crore towards the outstanding bills of the petitioner. However, an amount of Rs.87,40,238/- remains outstanding as on date. This

amount, tabulated by the petitioner in the application, shows the payment due as on 27<sup>th</sup> January, 2022.

The petitioner accordingly invoked Clause 10 of the work order which contains the arbitration clause by way of a notice to the respondent on 26<sup>th</sup> December, 2022.

The respondent did not reply to the said letter and disputes the amount which the petitioner claims to be outstanding from the respondent.

The facts in the case constitute a dispute and further show that the parties fall within Section 11(6) of The Arbitration and Conciliation Act, 1996; more specifically Clause (a) of Section 11(6) of the Act.

AP/332/2023 is, accordingly, allowed and disposed of by appointing Mr. Debasish Kundu, Advocate to act as the sole Arbitrator for resolving the disputes and differences which have arisen between the parties subject to the Arbitrator communicating his consent and eligibility in terms of Section 12 and the Schedules to the Act to the Registrar, Original Side of this Court within three weeks from date. The petitioner shall communicate this order to the Arbitrator forthwith.

The petitioner shall carry out the corrections in the cause title of the application as pointed out by learned counsel for the respondent in the course of the day.

(MOUSHUMI BHATTACHARYA, J.)