

OD-4

AP/333/2023

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

PREMENDRA BOSE
Versus
SMT. GOPA SARKAR AND ORS.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : June 26, 2023.

Appearance:

Mr. Raghunath Chakraborty, Adv.

Mr. Abhrajit Roy Chowdhury, Adv.

Ms. Tanusree Das, Adv.

...for the petitioner

Mr. Soumya Ray, Adv.

Ms. Aparna Saha, Adv.

...for the respondent no.1

The Court: This is an application for appointment of an Arbitrator.

The application has been made under Section 15 of the 1996 Act as the parties before the Court seek substitution of the Arbitrator who was appointed in terms of Article IX of the Development Agreement dated 25th March, 2016. The learned Arbitrator, however, subsequently recused from the proceedings in view of the disclosure made by the Arbitrator which showed that the Arbitrator had conducted a case of the respondents in connection with the property which is a subject-matter in dispute between the parties.

Learned counsel appearing for the respondents submits that the respondent no.1 is a senior citizen and is presently facing financial constraints.

Since both the parties seek appointment of an Arbitrator in place and stead of the earlier Arbitrator, AP No.333 of 2023 is disposed of by appointing Mr. Shyamal Roy Chowdhury (Mob NO : 9434243590), former District Judge to act as a Sole Arbitrator, subject to the Arbitrator communicating his consent in the required Form under Section 12 and the schedules to the 1996 Act with the Registrar, Original Side within three weeks from date.

The petitioner will communicate this order on the Arbitrator forthwith.

(MOUSHUMI BHATTACHARYA, J.)

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