

OD-3

ORDER SHEET

AP/365/2023

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

JUGAL KISHORE BHAGAT, PROPRIETOR OF M/S. DYNAMIC SERVICES
Versus
THE GENERAL MANAGER, SOUTH EASTERN RAILWAY AND ORS.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 15th June, 2023.

Appearance:

Mr. Jayabrata Mukherjee, Adv.

Ms. Rashmi Bothra, Adv.

Ms. Sharmistha Dhar, Adv.

...for the petitioner

Mr. Rudra Jyoti Bhattacharjee, Adv.

Ms. Debjani Ghosal, Adv.

...for the respondents

The Court: Learned counsel appearing for the South Eastern Railway seeks to oppose the application under Section 11(6) of the 1996 Act on the ground that the petitioner has approached the Court before the expiry of the time provided under Clause 64(3)(a)(ii) of the General Conditions of Contract of the Railways which provides for a time period of 60 days for the Railways to reply to the contractor's letter for a demand for arbitration. Counsel submits that the General Manager of the South Eastern Railway will respond to the

petitioner's letter of invocation dated 18th May, 2023 within the time period provided under the said clause.

The period of 60 days has still not expired.

AP/365/2023 is disposed of with a direction on the respondent Railways to comply with the mechanism shown to the Court including the time period specified therein. It is made clear that this direction is being passed on the specific submission made on behalf of the respondent; the respondent shall hence not take any points contrary to the position taken here between the parties in future.

(MOUSHUMI BHATTACHARYA, J.)

R.Bhar