

OCD-11

ORDER SHEET

AP/354/2023

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

RAWATSONS ENGINEERS PVT. LTD.
Versus
UNION OF INDIA AND ANR.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 11th August, 2023.

Appearance:

Mr. Shahrukh Raja, Adv.

Mr. Faijan Md. Zafar, Adv.

...for the petitioner

Ms. Aparna Banerjee, Adv.

..for UOI

The Court: The dispute in the present application for appointment of Arbitrator relates to a contract for construction and renewal of steel sleepers for the South Eastern Railway. The contract was awarded to the petitioner after the petitioner emerged successful in a tender floated by the respondents. The contract is dated 31st May, 2021. The dispute relates to the unpaid bills of the petitioner for the work done which the petitioner quantifies to be approximately Rs.1.68 crores. The respondents alleged poor performance/slow progress and issued two letters on 9th January, 2023 and 24th January, 2023. The petitioner invoked the arbitration clause thereafter on 28th January, 2023

after which the respondents Railway terminated the contract on 7th February, 2023. The respondents forwarded a panel of four Arbitrators to the petitioner, all of who were gazetted officers of the respondents.

The Agreement dated 31st May, 2021 contains an arbitration clause. The arbitration clause is Clause 64 of the Indian Railways Standard General Conditions of Contract of July, 2020.

The fact of there being a dispute between the parties and a notice of invocation of the arbitration clause relatable to the dispute is admitted. The parties would hence fall under Sections 11(5) and 11(6)(a) of the 1996 Act.

AP No.354 of 2023 is, accordingly, allowed and disposed of by appointing Mr. Samit Talukdar, Senior Advocate (Ph: 033-2455-5148) to act as the learned Arbitrator, subject to the learned Arbitrator communicating his consent in the prescribed format to the Registrar, Original Side within three weeks from date. The petitioner will communicate this order on the learned Arbitrator by 14th August, 2023 with requisite details of the contact person of the petitioner.

(MOUSHUMI BHATTACHARYA, J.)