

OCD-8

ORDER SHEET

AP/363/2023

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

M/S. ZILLION INFRAPROJECTS PVT. LTD
(DURHA CONSTRUCTION PVT. LTD.)
Versus
BRIDGE AND ROOF CO. (INDIA) LTD.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 14th July, 2023.

Appearance:

Mr. Soumen Das, Adv.

Ms. Ajeyaa Chowdhury, Adv.

Mr. Mohit Gupta, Adv.

Mr. Amitabh Shukla, Adv.

The Court: Learned counsel appearing for the respondent does not resist the application for appointment of an Arbitrator. The only request is that the point of limitation should also be considered by the Tribunal.

The dispute between the parties arises out of a tender floated by the respondent for construction works in Odisha. The petitioner was engaged as a contractor being the successful bidder and the dispute is on unpaid bills. The respondent issued a completion certificate in 2014 and the last payment was received by the petitioner in February, 2017. The petitioner, however, went into CIRP under the IBC, 2016 on and from 5th February, 2019. The petitioner is

still in CIRP. The petitioner sent a notice under Section 21 of the 1996 Act to the respondent on 12th October, 2022. The notice sets out Clause 49 of the GCC which is for arbitration. The respondent did not reply to this letter.

Learned counsel appearing for the respondent submits that the claims raised by the petitioner are barred by limitation but agrees to have this point referred to the Tribunal as well.

AP/363/2023 is, accordingly, allowed and disposed of by appointing Mr. Subrata Talukdar, former Judge of this Court as the Arbitrator to resolve the disputes and differences between the parties subject to the Arbitrator communicating his consent in the prescribed format to the Registrar, Original Side within three weeks from date.

The petitioner shall communicate this order on the Arbitrator by 17th July, 2023 with particulars of the contact person with who the Arbitrator may be required to get in touch.

(MOUSHUMI BHATTACHARYA, J.)