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

AP/381/2023

M/S RGM INTERNATIONAL INDIA PVT LIMITED
VS
THE UNION OF INDIA AND ORS

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 13th December, 2023.

Appearance:

Mr. Loknath Paul, Adv.
Mr. Tirthankar Basu, Adv.
..for the petitioner

Mr. Rudraman Bhattacharya, Adv.
...for the Union of India

The Court: The dispute between the parties arises initially out of a letter of acceptance dated 4th February, 2022 which culminated in an Agreement of 18th April, 2022. The petitioner, as the contractor, was engaged by the Eastern Railway for dismantling old structures at the Bandel Yard. The contract was to be completed within a period of eight months that is, by 3rd October, 2022.

The petitioner, through learned counsel, says that the contract was however terminated on 22nd July, 2022, which was before the eight months' time for completing the contract. The petitioner also complains that the petitioner's performance bank guarantee was invoked by the respondents and the respondents also forfeited the security deposit. The petitioner was hence constrained to issue a notice dated 22nd October, 2022 invoking the arbitration clause contained in Clause 64 of the General Conditions of Contract. The petitioner also waived the applicability of Section 12(5) of the 1996 Act on 17th

November, 2022 and gave an additional communication to the Railway on 24th March, 2023 asking the Railway to appoint an Arbitrator.

The Eastern Railway is represented.

There is no dispute that a dispute exists between the parties also on account of termination of the services of the petitioner. The dispute is covered by Clause 64 of the GCC and is required to be decided by an Arbitrator.

AP/381/2023 accordingly allowed and disposed of by appointing Mr. Utpal Bose, Senior Advocate, to act as the Arbitrator to resolve the disputes and differences between the parties subject to the learned Arbitrator communicating his consent in the prescribed form to the Registrar, Original Side of this Court within three weeks from date.

The Advocate-on-Record of the petitioner will communicate this order on the Arbitrator by 16th December, 2023 along with the relevant details of the contact person.

(MOUSHUMI BHATTACHARYA, J.)