

OD-73

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

AP/713/2018
IA NO: GA/1/2019(Old No:GA/324/2019)

MELLCON ENGINEERS PVT. LTD. AND ANR
VS
M/S. LINDE INDIA LTD.(FORMERLY KNOWN AS BOC INDIA LTD.)

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 23rd August, 2023.

Appearance:
Mr. Arjun Mookherjee, Adv.
Ms. Hera Nafis, Adv.

Mr. Sayak Chakraborty, Adv.

The Court : Affidavit in Reply filed in Court today be kept with the records.

The petitioner have filed this application under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator to resolve disputes between the parties arising out of a Purchase Order No. 174369 dated 4th May, 2011 under which the petitioner claims to be an unpaid seller in respect of goods sold and delivered.

The arbitration clause is contained in clause 18 of the Commercial Terms and Conditions which was made expressly applicable to the Purchase Order. The said clause was invoked by the petitioners by a notice under Section 21 of the Act of 1996 on 14th July, 2014. The respondent does not object to the appointment of an Arbitrator to resolve the disputes and differences arising between the parties.

By consent of the parties, this application is accordingly allowed and disposed of by appointing Mr. Amitesh Banerjee, Senior Advocate to act as sole Arbitrator, subject to the Arbitrator communicating his consent in the prescribed

format to the Registrar, Original Side of this Court within four weeks from date of communication of this order.

The petitioner is directed to communicate this order on the sole Arbitrator within a week from date.

With the aforesaid directions, AP/713/2018 stands disposed of.

(RAVI KRISHAN KAPUR, J.)

SK.