

OD-1

ORDER SHEET

AP/404/2023

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

KITPLY INDUSTRIES LIMITED  
VS  
UMESH KUMAR NEMANI

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 1<sup>st</sup> August, 2023.

Appearance:

*Mr. Supratim Laha, Adv.*

*Mr. Bikash Shaw, Adv.*

*Mr. Mohit Gupta, Adv.*

The Court: The dispute between the parties arises out of a Licence Deed dated 1<sup>st</sup> July, 2020. The petitioner has been described as the "Licensor" and the respondent as the "Licensee/Distributor". The respondent was to use the brand names of the petitioner in Telengana and Andhra Pradesh as the exclusive licensee and sole distributor for the said territory. The respondent was also to use the brand names of the petitioner which are registered trademarks for plywood and particle goods in the two States mentioned above. The respondent was to pay a monthly royalty of Rs.5 lakhs plus applicable taxes to the petitioner in terms of the agreement. The agreement provides for settlement of disputes through arbitration.

The dispute relates to the quantum of money which the respondent allegedly defaulted to pay the petitioner and amounts to approximately Rs.9

lakhs as of today, inclusive of interest at 18% per annum. The petitioner issued a notice under Section 21 of the 1996 Act on 24<sup>th</sup> April, 2023 invoking the arbitration clause; the respondent did not reply to this notice.

The respondent is represented and learned counsel appearing for the respondent does not dispute the arbitration clause.

The submissions made on behalf of the parties would show that there is a dispute between the parties relatable to an arbitration agreement.

AP/404/2023 is allowed and disposed of by appointing Mr. Jit Ray, Advocate to act as the learned Arbitrator subject to the Arbitrator communicating his consent in the prescribed format to the Registrar, Original Side of this Court within three weeks from date. The advocate-on-record of the petitioner shall communicate this order to the learned Arbitrator by 3<sup>rd</sup> August, 2023 with necessary particulars of the contact person of the petitioner.

(MOUSHUMI BHATTACHARYA, J.)

bp.