

ORDER SHEET

AP/410/2023

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

SRI ARUNAVA SAHA
VS
SRI ARUP KUMAR SENGUPTA AND ANR.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 15th December, 2023.

Appearance:

Mr. Ayan Banerjee, Adv.
Mr. Tarun Kumar Aich, Adv.
Ms. Tanusri Sur (Aich), Adv.
...for the petitioner

Mr. Pratip Mukherjee, Adv.
Mr. Surajit Basu, Adv.
...for the respondents

The Court: The dispute between the parties relates to a Deed of Agreement for Development dated 9th January, 2015 by which the mother of the respondents was to hand over 5 cottahs of land to the petitioner for developing the property into a multi-storied building. The Agreement contains an arbitration clause at Clause 12 whereby the parties were to resolve their disputes under the provisions of the 1996 Act.

Learned counsel appearing for the petitioner submits that despite making an investment of Rs.5.50 lakhs, the respondents who subsequently stepped into the shoes of their deceased mother, refused to hand over the

agreed plot of land to the petitioner. The petitioner paid the amount of Rs.5.50 lakhs to the respondents after the demise of their mother.

The petitioner ultimately invoked the arbitration clause by a notice dated 10th April, 2023. The respondents did not reply to this letter.

There is evidently a dispute between the parties and one that needs to be resolved by an Arbitrator.

The preliminary point raised on behalf of the respondents with regard to assessment of stamp duty has already been done. The affidavit-in-reply contains the relevant document.

AP/410/2023 is accordingly allowed and disposed of by appointing Mr. Ajoy Krishna Chatterjee, counsel to act as the Arbitrator subject to the learned Arbitrator communicating his consent in the prescribed format to the Registrar, Original Side of this Court within three weeks from date.

The petitioner's advocate-on-record shall communicate this order on the learned Arbitrator by 18th December, 2023 along with the requisite details of the contact person of the petitioner.

(MOUSHUMI BHATTACHARYA, J.)