

ORDER SHEET

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

AP/823/2022
IA NO: GA/1/2023

VARSHA ARORA
VS
IDFC FIRST BANK LIMITED

AND

EC/197/2022

IDFC FIRST BANK LTD
VS
VARSHA ARORA

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date : 14th March, 2023

Appearance:

Mr. Ranjit Singh, Adv.

Ms. Pooja Sett Chakraborty, Adv.

Mr. Sayan Chattopadhyay, Adv.

Ms. Payel Shome, Adv.

Ivan Sarkar, Adv.

The Court: Heard Counsel appearing on behalf of the parties.

The above Section 34 application emanates from an award that has been passed by a unilaterally appointed Arbitrator.

In light of the Supreme Court judgments in *Perkins Eastman Architects DPC v. HSCC (India) Limited* reported in (2020) 20 SCC 760, *TRF Limited v.*

Energo Engineering Projects Ltd. reported in (2017) 8 SCC 377 and in *Bharat Broadband Network Ltd. v. United Telecoms Ltd.* reported in (2019) 5 SCC 755, the award is a nullity and is, accordingly, set aside.

Parties have consented before this Court for appointment of an Arbitrator by this Court and have waived the application of Section 21 of the Arbitration and Conciliation Act, 1996.

Accordingly, Ms. Sanchari Chakraborty, Advocate, Mob. No. 9874490526 is appointed as the sole Arbitrator to resolve the disputes between the parties.

The appointment is subject to submission of declaration by the Arbitrator in terms of Section 12(1) in the form prescribed in the Sixth Schedule of the Act before the Registrar, Original Side of this Court within four weeks from today.

Let this order be conveyed to the Arbitrator by the Registrar, Original Side forthwith.

The Arbitrator is directed to expeditiously hear out the matter.

GA/1/2023 and EC/197/2022 are disposed of.

(SHEKHAR B. SARAF, J.)