

ODC-1

ORDER SHEET

EC/327/2021
WITH
GA/1/2022
AP/115/2022
AP/159/2022

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

MICKY METALS LIMITED
VS
BIVA CHATTERJEE

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date : 27th February, 2023

Appearance:

Mr. Priyankar Saha, Adv.

Mr. Abhijit Sarkar, Adv.

...for the petitioner

Mr. Emon Bhattacharya, Adv.

Ms. Pooja Sah, Adv.

...for the judgment-debtor

The Court: This is a case of unilateral appointment wherein the award has been passed and the same has been challenged by way of a Section 34 application. Section 36 application has also been filed for stay of the award.

The award-holder has filed the above execution application for executing the said award.

I have heard learned Counsel appearing for the parties in Court today.

It appears that the award was passed by an Arbitrator unilaterally appointed and the parties have consented for appointment of a fresh Arbitrator.

In light of the same, AP/115/2022 being the Section 34 application is allowed.

Accordingly, AP/159/2022 and EC/327/2021 have become infructuous and are disposed of.

This Court on consent of the parties appoint Mr. Ishaan Saha, Advocate, Mob. No.9836011990 as the sole Arbitrator.

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 erstwhile Arbitrator is directed to hand over the documents in relation to the arbitration proceedings that have taken place before him to the newly appointed Arbitrator.

The petitioner shall facilitate the transfer of the said files.

Interim orders passed with regard to injunction of any bank account is vacated.

I make it clear that parties shall be entitled to take advantage of the Limitation Act.

(SHEKHAR B. SARAF, J.)