

OCD-1

ORDER SHEET

AP/426/2023

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

M/S. SHAPOORJI PALLONJI AND COMPANY PRIVATE LIMITED
Versus
WEST BENGAL HOUSING BOARD

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 27th July, 2023.

Appearance:

Mr. Ranjan Bachawat, Sr. Adv.

Mr. Shahrukh Raja, Adv.

Ms. Samriddhi Shukla, Adv.

...for the petitioner

Mr. Dhillon Sengupta, Adv.

Mr. Ayan Chakraborty, Adv.

Ms. Sohini Mukherjee, Adv.

...for the respondent

The Court: There is no doubt as to a dispute existing between the parties. The petitioner's claim is of about Rs.180 crores relating to an agreement entered into between the petitioner and the respondent for development of a township in Kolkata. The petitioner complains that the respondent proposed a change from construction to marketing of the project which the petitioner was not agreeable to. The more fundamental dispute is of the petitioner's unpaid bills for 20% of the work which the petitioner did and raised invoices on the respondent. The respondent kept the bills pending until

alleged sanction from the appropriate authorities including funds from the Bank of Maharashtra.

The petitioner was hence constrained to issue notice of arbitration on 28th April, 2023 on the arbitration clause contained in Clause 20.3 of the agreement dated 29th April, 2016. The respondent replied to this notice on 26th May, 2023 denying the dispute but not the arbitration clause.

The above facts would hence show that the parties fall under Section 11(5) of the 1996 Act.

AP/426/2023 is accordingly allowed and disposed of by appointing Mr. K.M. Joseph, former Judge of the Supreme Court, to act as the learned Arbitrator for resolving the disputes and differences between the parties subject to the Arbitrator communicating his/her consent to the learned Registrar, Original Side of this Court in the prescribed format under the 1996 Act read with the Schedules within three weeks from date.

The advocate-on-record of the petitioner shall communicate this order on the Arbitrator by 29th July, 2023 with the contact details of the relevant person.

(MOUSHUMI BHATTACHARYA, J.)