

ORDER SHEET

AP/441/2023

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

GHSPH MLD SUPER SPECIALITY HEALTHCARE LLP
VS
THE EDIFICE HEALTHCARE PVT LTD

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 1st August, 2023.

Appearance:

*Mr. Dhillon Sengupta, Adv.
Mr. Ayan Chakraborty, Adv.
Ms. Sohini Mukherjee, Adv.
...for the petitioner*

*Mr. Kaustab Das, Adv.
Mr. Imdadul Hoque, Adv.
...for the respondent*

The Court: The agreement between the parties, which is directly relatable to the dispute which has been brought to the Court, is an operations and management collaboration Agreement dated 19th October, 2019.

The petitioner is the first party in the said Agreement and the respondent is the "Operator". The Agreement provides for the operator's role in Clause 3.2 which essentially was to provide healthcare services to the superspecialty hospital owned by the petitioner. The dispute arises from the sharing of revenue clause in the Agreement which required the operator/respondent to pay about Rs.12 lakhs per month to the petitioner as part of the revenue sharing for the services and upkeep of the hospital.

The petitioner says that the respondent defaulted on its payment obligations and the petitioner was hence constrained to issue at least two letters of demand on 10th March, 2021 and 7th September, 2022. The petitioner ultimately terminated the Agreement on 31st January, 2023. The notice to the respondent under Section 21 of the 1996 Act was sent on 15th February, 2023. The Agreement contains an arbitration clause. The petitioner claims approximately Rs.2.34 crores after adjusting the payment made by the respondent.

The respondent is represented and learned counsel disputes the quantum of the claim but not the arbitration agreement.

There is evidently a dispute between the parties and an agreement from which the dispute arises. The present application hence requires appointment of an Arbitrator to resolve those disputes.

AP/441/2023 is allowed and disposed of by appointing Mr. Ranjit Kumar Bag, former Judge of this Court (Mob: 8335073594/9433898375) 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 3rd August, 2023 with necessary particulars of the contact person of the petitioner.

(MOUSHUMI BHATTACHARYA, J.)