

OCD-2

ORDER SHEET

AP/442/2023

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

RAHUL LOHIA
Versus
PAWAN KOTHARI AND ORS.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 27th July, 2023.

Appearance:

Mr. S. Nayak, Adv.

Mr. K. Raihan Ahmed, Adv.

Ms. Pooja Sah, Adv.

...for the petitioner

Mr. Mohit Gupta, Adv.

...for the respondents

The Court: The dispute in the present case relates to the petitioner who was removed as a partner by the respondents by way of a notice dated 23rd March, 2023 from the partnership firm. The respondents are the remaining partners of the firm. The partnership deed of 1st December, 2018 contains an arbitration clause. The petitioner claims not only a declaration as to the petitioner's status as a continuing partner of the firm but also a share in the assets and profits of the firm which amounts to about Rs.50 lakhs.

The petitioner invoked the arbitration clause by way of a letter dated 7th June, 2023 and the respondents replied to the letter on 19th June, 2023 disputing the petitioner's claims but not the arbitration agreement.

There is little doubt as to the existence of an arbitration agreement between the parties and that there is a dispute between them. The dispute would also be evident from the petitioner's reply to his removal dated 3rd April, 2023.

AP/442/2023 is accordingly allowed and disposed of by appointing Ms. Debjani Ray, Advocate (Mob : 9433714737) to act as the learned Arbitrator to resolve 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 learned Arbitrator by 29th July, 2023 with the contact details of the relevant person.

(MOUSHUMI BHATTACHARYA, J.)