

OCD-14

ORDER SHEET

AP/456/2023

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

SOURAV GANGULY
VS
PECFY TECHNOLOGIES PVT. LTD.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 11th August, 2023.

Appearance:

Ms. Manali Ali, Adv.

Mr. Paritosh Sinha, Adv.

...for the petitioner

Mr. Siddhartha Chatterjee, Adv.

Ms. Mandobi Chowdhury, Adv.

Ms. Ranjana Seal, Adv.

Ms. Sucheta Mitra, Adv.

...for the respondent

The Court: The dispute between the parties arises out of an Endorsement Agreement dated 26th December, 2019 with a term of three years. The petitioner was to endorse and promote the respondent for five days in a year which means that the endorsement would have to be done for 15 days in three years that is during the term of the Agreement. The dispute essentially arises out of the respondent alleging the petitioner's non-performance of the terms of the contract while the petitioner says that the respondent only paid to the petitioner Rs.75 lakhs out of the Rs.5 crores claim.

Learned counsel appearing on behalf of the parties agree that the Agreement expired by efflux of time on 26th December, 2022 and the petitioner

invoked the arbitration clause contained in the Endorsement Agreement on 24th February, 2023 by way of a notice under Section 21 of the 1996 Act. The respondent replied to the notice on 17th April, 2023 stating that the Agreement between the parties have expired. The petitioner thereafter replied on 28th April, 2023. The petitioner in the meantime also raised a demand of Rs.5 crores plus interest calculated at 12%. The calculation is also part of the pleadings and amounts to Rs.5,09,75,000/- as on 31st March, 2023.

Counsel appearing for the respondent does not dispute the prayer for appointment of an Arbitrator.

AP/456/2023 is allowed and disposed of by appointing Mr. Pinaki Chandra Ghose, former Judge of the Supreme Court (Mob: 9953727000) to act as the learned Arbitrator to resolve the disputes and differences between the parties subject to the Arbitrator communicating his/her consent in the prescribed format under the 1996 Act read with the Schedules to the learned Registrar, Original Side within three weeks from date.

The advocate-on-record of the petitioner shall communicate this order on the learned Arbitrator by 14th August, 2023 with the requisite details of the contact person.

The Vakalatnama of the respondent had been filed yesterday.

The affidavit of service is taken on record.

(MOUSHUMI BHATTACHARYA, J.)