

ORDER SHEET

AP/221/2022

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

M/S CHOLAMANDALAM INVESTMENT AND FINANCE COMPANY LIMITED
VS
RAJIB MONDAL AND ANR

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date : 28th March, 2023

Appearance:

Mr. Ranjit Singh, Adv.

Ms. Pooja Sett Chakraborty, Adv.

Ms. Moumita Chandra, Adv.

Mr. Arjun Samanta, Adv.

Mr. Saptarshi Mal, Adv.

The Court: Counsel on behalf of the respondent files affidavit of assets of both the award-debtors. Copy of the same is being handed over to Counsel appearing on behalf of the petitioner in Court today.

The warrant of arrest issued against the award-debtors on 17th March, 2023 is to be treated as cancelled. The Registrar, Original Side is directed to inform the jurisdictional Superintendent of Police and the Officer-in-Charge of the local police station with regard to cancellation of the warrant of arrest.

Counsel on behalf of the petitioner submits that the vehicle is in their possession and they be given the right to sell the same. Counsel on behalf of the respondent does not raise any objection to the same and, accordingly, the petitioner is directed to sell the vehicle by way of public auction.

Accordingly, Ms. Tanim Sengupta, Advocate, Mob. No.9830219370 is appointed as Receiver to carry out the sale and thereafter file a report before this Court eight weeks hence. The remuneration of the Receiver is fixed at Rs.75,000/-.

Counsel on behalf of the respondent has also pointed out that the arbitration award has been passed by unilaterally appointed Arbitrator and is accordingly null and void. Parties have agreed before this Court to have an Arbitrator appointed by the Court so that the disputes can be resolved between the parties. Issuance of Section 21 notice is waived by the parties.

Accordingly, Mr. Rachit Lakhmani, Advocate, Mob. No. 9231826568 is appointed as 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 Receiver shall file the report before the newly appointed Arbitrator and the Arbitrator shall be free to pass further orders as necessary.

EC/221/2022 is disposed of.

(SHEKHAR B. SARAF, J.)