

ORDER SHEET
AP/454/2022
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

MAHAKALI UDYOG PVT. LTD.
VS
KSA RESOURCES LLP

BEFORE:
The Hon'ble JUSTICE SHEKHAR B. SARAF
Date: 11th May, 2023.

Appearance:
Mr. Ishaan Saha, Adv.
Ms. Sananda Ganguli, Adv.
Mr. Shubradip Roy, Adv.
...for the petitioner

Ms. Suchismita Ghosh, Adv.
Mr. Sidhartha Sharma, Adv.
Mr. Rishav Dutt, Adv.
...for the respondent

The Court: This is a Section 11 application for appointment of an Arbitrator. It is to be noted that the arbitration had commenced. However, on an application being made by the respondent, the Arbitrator recused from the matter on the ground that he had been unilaterally appointment. The parties have both agreed for appointment of an Arbitrator before this Court.

Accordingly, I appoint Justice Prakash Shrivastava, former Chief Justice of this Court, as an Arbitrator to resolve the disputes between the parties. 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.

It is to be noted that pleadings were complete in this matter before the erstwhile Arbitrator. Accordingly, the Arbitrator is requested to continue from the stage subsequent to filing of the statement of claim and the statement of defence.

Needless to mention, parties shall be at liberty to file application under Section 17 or Section 16 in accordance with law before the learned Arbitrator.

AP No. 454 of 2022 is, accordingly, disposed of.

(SHEKHAR B. SARAF, J.)