

ODC-15

ORDER SHEET

EC/226/2022

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

M/S CHOLAMANDALAM INVESTMENT AND FINANCE COMPANY LIMITED
VS
AMIYA SEN AND ANR

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date : 14th March, 2023

Appearance:

Mr. Ranjit Singh, Adv.

Ms. Pooja Sett Chakraborty, Adv.

Mr. Priyankar Saha, Adv.

Mr. Tapan Mukherjee, Adv.

The Court: This is an execution application in relation to an award that has been passed by a sole Arbitrator who was unilaterally appointed by the award-holder.

This Court has today pronounced a judgment in the matter of *Cholamandalam Investment and Finance Co. Ltd. versus Amrapali Enterprises and Anr* in EC/122/2022 wherein the principles in relation to execution of an award passed by unilaterally appointed Arbitrator have been discussed and the ratio therein is that such awards are nullity and *non est* in law and, accordingly, parties are free to re-agitate the issue.

Parties have consented before this Court for appointment of an Arbitrator by this Court and have waived the application of Section 21 of the Arbitration and Conciliation Act, 1996.

Accordingly, this Court appoints Mr. Sourav Kumar Mukherjee, Advocate, Bar Library Club, Mob. No. 9836563539 as the sole Arbitrator in the matter.

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.

EC/226/2022 is disposed of.

(SHEKHAR B. SARAF, J.)