

OD-8

ORDER SHEET

AP/516/2023

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

KAMALESH KUMAR SINGH
Versus
STEEL AUTHORITY OF INDIA LIMITED

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 9th August, 2023.

Appearance:

*Ms. Amrita Pandey, Adv.
...for the petitioner*

*Mr. Arijit Basu, Adv.
...for the respondent*

The Court: Admittedly, the case of the petitioner is that the Arbitrator was appointed on 9th June, 2021 and the arbitration has been continuing since then.

Learned counsel appearing for the parties do not have the exact date of the commencement of the arbitration.

The petitioner now says that the arbitrator is ineligible under Section 12(5) of the 1996 Act read with the Fifth and the Seventh Schedules as the arbitrator is an ex-employee of the respondent.

The petitioner has come to the Court with an application under Section 11 of the 1996 Act for appointment of an arbitrator. However, since the arbitration has already commenced under an arbitrator who may or may not be eligible, the application should be filed under some other provision of the 1996 Act and not Section 11.

AP/516/2023 is accordingly dismissed. There shall be no order as to costs.

(MOUSHUMI BHATTACHARYA, J.)

bp.