

OCD-9

ORDER SHEET

AP/520/2023

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

M/S. SAS INDIA
VS
M/S. KARJEN INDUSTRIES

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 25th September, 2023.

Appearance:

Dr. P. P. Motilal, Adv.

Mr. Pabitra Biswas, Adv.

...for the petitioner

Mr. Chayan Gupta, Adv.

Mr. Rajesh Upadhyay, Adv.

...for the respondent

The Court: The dispute between the parties is evident from the correspondence exchanged between the parties pursuant to a Distribution Agreement dated 1st August, 2022. The Agreement contains an arbitration clause in Clause 14.

The petitioner was appointed as the distributor of the respondent for certain goods in the nature of printer's ink. The respondent claims that the respondent supplied the goods in question but found the petitioner's cheques deposited as security to be dishonoured subsequently. The respondent accordingly sent a letter of demand to the petitioner on 4th July, 2023 to which

the petitioner replied invoking the arbitration clause under Section 21 of the 1996 Act on 7th July, 2023. The respondent did not reply to this letter.

The submissions made on behalf of the parties would also point to an existing dispute which requires to be resolved under the arbitration agreement.

AP/520/2023 is accordingly allowed and disposed of by appointing Mr. Dwaipayan Basu Mallick, advocate to act as the Arbitrator subject to the learned Arbitrator communicating his consent in the prescribed format to the Registrar, Original Side of this Court within three weeks from date.

The petitioner's advocate-on-record shall communicate this order on the learned Arbitrator by 27th September, 2023 along with the requisite details of the contact person of the petitioner.

Since the affidavits have not been called for, the allegations are deemed not to have been admitted.

(MOUSHUMI BHATTACHARYA, J.)

bp.