

OD 4

ORDER SHEET
IA NO.GA/1/2022
In
EC/386/2021
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

SREI EQUIPMENT FINANCE LIMITED
VS
DCOM SYSTEMS LIMITED AND ORS.

BEFORE:
The Hon'ble JUSTICE SHEKHAR B. SARAF
Date: 19th May, 2023.

Appearance:
Mr. Swatarup Banerjee, Adv.
Mr. Rajib Mullick, Adv.
Mr. Sariful Haque, Adv.
Ms. Sonia Mukherjee, Adv.
...for the award-holder

Ms. Syani Roy Chowdhury, Adv.
...for the respondent no.3

The Court: Heard counsel appearing on behalf of the parties. It appears that the execution application arises out of an arbitration award that was passed by an Arbitrator who was unilaterally appointed by the parties.

In light of the judgments in *Perkins Eastman Architects DPC v. HSCC (India) Limited* reported in (2020) 20 SCC 760, *TRF Limited v. Energo Engineering Projects Ltd.* reported in (2017) 8 SCC 377 and in *Bharat Broadband Network Ltd. v. United Telecoms Ltd.* reported in (2019) 5 SCC 755 and also a judgment passed by

me in the matter of *Cholamandalam Investment and Finance Co. Ltd. versus Amrapali Enterprises and Anr* in EC/122/2022, the award is a nullity and is, accordingly, set aside.

Accordingly, this Court appoints Mr. Sayantan Basu, Advocate (Mobile No. 9830084518) as the sole Arbitrator in the matter to resolve the dispute 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.

IA NO: GA/1/2022 and EC/386/2021 are disposed of.

RE: CC/73/2022

By consent of the parties this contempt application filed by the petitioner is taken as on the day's list.

CC/73/2022 is treated as disposed of as no order is required to be passed in this matter.

(SHEKHAR B. SARAF, J.)