

OD-6

ORDER SHEET

AP/545/2023

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

RAKESH KUMAR GUPTA
VS
THE GENERAL MANAGER
RIFLE FACTORY ISHAPORE

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 5th September, 2023

Appearance:

Mr. Arnab Roy, Adv.

Ms. Sayani Ahmed, Adv.

...for the petitioner

Mr. Rudraman Bhattacharya, Adv. (VC)

Mr. S.K. Tiwari, Adv.

...for the respondent

The Court: The dispute centers around five agreements entered into between the petitioner and the respondent spread over from 8th March, 2021 to 20th April, 2021 for supply of manpower by the petitioner to the respondent's factory. The parent agreement is the General Terms and Conditions on GeM 3.0 which is issued by the Government of India. The dispute further arises out of the fact that the petitioner was forced to cancel the five contracts arising out of the parent agreement by reason of labour trouble. The respondent reiterated by forfeiting the petitioner's bank guarantees amounting to Rs.17 lacs. The respondent also appointed an Arbitrator on 11th February, 2022 and could not

make a headway to the arbitration, since the Arbitrator did not enter reference in the matter. The petitioner was therefore constrained to issue a notice invoking the arbitration clause on 19th June, 2023.

Being satisfied that there is an arbitration agreement between the parties and an existing dispute which needs to be resolved by an Arbitrator, AP/545/2023 is accordingly allowed and disposed of by appointing Mr. Abhidipto Tarafdar, advocate to act as the Arbitrator subject to the learned Arbitrator communicating his/her 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 8th September, 2023 along with the requisite details of the contact person of the petitioner.

The petitioner's supplementary affidavit is taken on record.

(MOUSHUMI BHATTACHARYA, J.)