

OD-11

ORDER SHEET

AP/565/2021

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

SENSE
Versus
SIMPLEX INFRASTRUCTURE LIMITED

BEFORE:
The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA
Date : 8th August, 2023.

Appearance:
Mr. Soumen Das, Adv.
...for the petitioner

Mr. Abhishek Banerjee, Adv.
...for the respondent

The Court: The Agreement is in the form of a work order dated 1st February, 2013 containing an arbitration clause.

The dispute arises out of the petitioner's claim for retention money which admittedly has been withheld by the respondent. The petitioner was engaged as a contractor for supplying built-in furniture for accommodation of officials at Siliguri site.

The dispute between the parties is evident from the submissions made on behalf of the respondent. Learned counsel submits that the quantum of the claim is disputed. The respondent has, however, not responded to the notice

given by the petitioner under Section 21 of the 1996 Act which was dated 23rd August, 2021.

There is hence a dispute between the parties under Section 11(5) of the 1996 Act and the dispute needs to be resolved by appointment of an Arbitrator.

AP/565/2021 is accordingly allowed and disposed of by appointing Mr. Rajratna Sen, Advocate to act as Arbitrator subject to the Arbitrator communicating his consent in the prescribed format to the Registrar, Original Side of this Court within three weeks from date.

The advocate-on-record of the petitioner will communicate this order on the Arbitrator by 11th August, 2023 with the requisite details of the contact person of the petitioner.

(MOUSHUMI BHATTACHARYA, J.)

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