

OD-11

ORDER SHEET

AP/645/2023

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

MONOJIT BHATTACHARJEE
VS
SHRI SHYAMAL DEY AND ORS.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 19th December, 2023.

Appearance:

Mr. Shuvasish Sengupta, Adv.
Ms. Sabarnee Chatterjee, Adv.
Ms. Sonali Sengupta, Adv.
Mr. Abhrajit Roy Chowdhury, Adv.
...for the petitioner

Mr. Supratim Laha, Adv.
Mr. Balaji Chakraborty, Adv.
Mr. Sauryabrata Chakraborty, Adv.
...for the respondent no. 1

The Court: The dispute which has been brought to the Court is a dispute between three partners. The petitioner claims mismanagement and financial irregularities in the affairs of the Limited Liability Partnership governed under the Limited Liability Partnership Act of 2008.

The petitioner, through learned counsel, has taken the Court through the relevant documents including the arbitration clause contained in the Agreement of Limited Liability Partnership (LLP) dated 28th May, 2019. According to counsel, the petitioner invested substantial amounts of money in

the LLP but without being given any share in the profits of the LLP. The petitioner claims that the respondents, being the two other partners in the LLP, gave loans to third parties without the consent of the petitioner. The petitioner thereafter gave notices to the other partners on 18th April, 2023 and 13th May, 2023 directing the other partners/respondents to retire from the LLP. The respondent no.1, in turn, filed an application for interim relief before the City Civil Court and obtained an order on 10th August, 2023 against the petitioner.

The petitioner finally invoked the arbitration clause by a notice dated 16th March, 2023; the respondent no.1 replied to this notice on 28th March, 2023.

Considering the allegations made by the petitioner against the two other partners/respondents, there cannot be any doubt that there is a dispute existing between the parties which is required to be resolved by an Arbitrator. The disputes are also covered under the arbitration agreement. The petitioner quantifies these disputes to approximately Rs.2 crores.

The only objection raised on behalf of the respondents is that the petitioner has made baseless allegations against the respondents. This issue can however be entirely dealt with by the Arbitrator.

AP/645/2023 is accordingly allowed and disposed of by appointing Mr. Ronojit Kumar Mitra, former Judge of this Court 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 22nd December, 2023 along with the requisite details of the contact person of the petitioner.

(MOUSHUMI BHATTACHARYA, J.)

R.Bhar