

ORDER SHEET

AP/612/2022  
WITH  
AP/613/2022

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

CASTRO ENGINEERING PRIVATE LIMITED AND ORS.  
VS  
IDFC FIRST BANK LIMITED

BEFORE:  
The Hon'ble JUSTICE SHEKHAR B. SARAF  
Date : 13<sup>th</sup> March, 2023

Appearance:  
*Mr. Nilanjan Bhattacharjee, Adv.*  
*Mr. Abhilash Chatterjee, Adv.*  
*...for the petitioner*

*Mr. Ranjit Singh, Adv.*  
*Ms. Pooja Sett Chakraborty, Adv.*  
*...for the respondent*

The Court: Heard Counsel appearing in the Section 34 and the Section 36 applications.

From a bare perusal of the award it appears that the same is a unilateral appointment. 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, the award is a nullity and is, accordingly, set aside.

Parties are free to re-agitate the arbitration proceeding in accordance with law.

AP/612/2022 and AP/613/2022 are disposed of.

(SHEKHAR B. SARAF, J.)

R.Bhar