

ORDER SHEET

AP/619/2022

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

SUDHAMOY ROY
VS
THE UNION OF INDIA AND ANR

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date : 24th February, 2023

Appearance:

Mr. Chayan Gupta, Adv.

Mr. P. Mukherjee, Adv.

Mr. J. Acharya, Adv.

Mr. Arijit Ghosh, Adv.

...for the petitioner

Mr. Pramit Kumar Ray, Sr. Adv.

Mr. Sukanta Ghosh, Adv.

...for the respondent

The Court: Heard Counsel appearing on behalf of the parties.

This is an application under Section 14 read with Section 11 of the Arbitration and Conciliation Act, 1996 that has been made due to the expiry of the erstwhile Arbitrator.

Since the erstwhile Arbitrator has expired, his mandate stands terminated. This Court accordingly appoints Justice Jyotirmoy Bhattacharya, Former Chief Justice of Calcutta High Court as Arbitrator. Ld. Arbitrator is requested to continue the arbitration from the stage the same has been terminated.

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.

It is to be noted that the respondent, Burn Standard Company Limited has been taken over by the Ministry of Railways (Union of India).

Counsel appearing on behalf of the Union of India submits that none of the documents in relation to the said arbitration are with the Union of India.

Keeping the above submission in mind, the petitioner is directed to collect the documents from the clerk/assistant of the erstwhile Arbitrator and hand over the same to the new Arbitrator. A copy of the entire set of documents should also be provided to Mr. Ray personally.

The Union of India is also directed to file its Vakalatnama in this matter within a week from date.

With the above directions, AP/619/2022 is disposed of.

(SHEKHAR B. SARAF, J.)