

OCD-7

ORDER SHEET

AP/674/2023

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

R.K. ASSOCIATES AND HOTELIERS PVT. LTD.
Versus
EASTERN RAILWAY THROUGH ITS DEPUTY CHIEF COMMERCIAL MANAGER

BEFORE:
The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA
Date : 21st September, 2023.

Appearance
Mr. Arijit Basu, Adv.
... for the petitioner

The Court: This is an application for appointment of a sole Arbitrator in place and stead of the erstwhile learned Arbitrator who was appointed by a learned Single Judge of this Court, as His Lordship then was, on 25th January, 2021.

Learned counsel appearing for the petitioner submits that after about nine sittings held from 2021 to 2023, learned Arbitrator expressed his disinclination to continue with the arbitration proceedings. This was expressed and communicated to the parties by way of a letter dated 28th June, 2023.

No one appears for the respondent. The affidavit-of-service shows that the respondent was served on 19th September, 2023.

The letter of the Arbitrator is on record. The petitioner, strangely enough, filed the present application for substitution after three months in September, 2023. Whatever be the case, a new Arbitrator must be appointed to take the place of the erstwhile Arbitrator.

From the submissions made, it appears that the arbitration was stalled from March, 2022-June, 2023. This is all the more reason the Arbitrator appointed today shall resume the proceedings as expeditiously as possible and on and from the last sitting held without any undue delay.

AP/674/2023 is, accordingly, allowed and disposed of by appointing Mr. Bikash Ranjan Bhattaharyya, Advocate in place and stead of the erstwhile Arbitrator.

(MOUSHUMI BHATTACHARYA, J.)