

OD-6

ORDER SHEET

AP/676/2023

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

NAZMUL HAQUE AND ANR.
Versus
TATA CAPITAL FINANCIAL SERVICES LIMITED

BEFORE:
The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA
Date : 14th December, 2023.

Appearance:
Mr. S.E. Huda, Adv.
Sk. Aptabuddin, Adv.
Mr. Himadri Roy, Adv.
...for the petitioners

Mr. Abhishek Guha, Adv.
Ms. Sonal Agarwal, Adv.
...for the respondent

The Court: The petition is for termination of the mandate of the learned Arbitrator and appointment of a substitute Arbitrator. The reason for seeking termination is the undue delay on the part of the Arbitrator to commence the arbitration proceedings. The petitioners, through learned counsel, says that the petitioners requested the Arbitrator to commence the arbitration even in July, 2023.

A part of the controversy is taken care of by a letter produced by learned counsel appearing for the respondent. The letter is dated 10th April, 2023 and

is a notice of intimation from the learned Arbitrator to the concerned parties of terminating his own mandate. Although the petitioners are mentioned as recipients, learned counsel appearing for the petitioners submits that the petitioners are not aware of this letter. The Court is informed that the erstwhile learned Arbitrator had held three sittings till April, 2023.

Counsel points out that although the letter of recusal is dated 10th April, 2023, the Arbitrator had proceeded to hold a sitting after that on 27th April, 2023.

It is evident, therefore, that a substitute Arbitrator must be appointed to conclude the arbitration and for making an Award.

AP/676/2023 is accordingly allowed and disposed of by appointing Mr. Ritoban Sarkar, counsel 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 17th December, 2023 along with the requisite details of the contact person of the petitioner.

(MOUSHUMI BHATTACHARYA, J.)

sg.