

OCD-5

ORDER SHEET

AP/694/2023

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

SNEHLATA CHOPRA
VS
RAVINDRA KUMAR CHOPRA

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 27th September, 2023.

Appearance:

Mr. Suddhasatva Banerjee, Adv.

Mr. Soumabho Ghose, Adv.

Mr. Subhankar Das, Adv.

Mr. Arjun Mukherjee, Adv.

...for the petitioner

Ms. Manju Agarwal, Adv.

...for the respondent

The Court: Although learned counsel appearing for the respondent seeks to impress upon the Court that there is no dispute between the parties, the contested nature of proceedings between the parties, one of which is before the Court, would belie that contention.

The petitioner and the respondent are the two partners of a partnership firm – Machinery Agencies. The petitioner has alleged that the petitioner is being deprived of access to the accounts and profits of the partnership business at the behest of the respondent. The petitioner has also alleged that

the respondent is carrying on a parallel business outside of the partnership for similar products. The petitioner has also refused to settle the matter on the strength of these allegations.

Learned counsel appearing for the respondent disputes the allegations made in the application.

The Deed of Partnership of 4th April, 2013 contains an arbitration clause in Clause 18 thereof. The petitioner invoked this clause in her notice under Section 21 of the 1996 Act on 5th August, 2023 and the respondent refused the petitioner's appointment by his mail of 25th August, 2023. The respondent thereafter dissolved the partnership firm on 10th September, 2023.

The dispute would be clear from the brief narration given above. The parties would hence fall both under Sections 11(5) and (6) of the 1996 Act.

AP/694/2023 is accordingly allowed and disposed of by appointing Ms. Poonam A. Bamba, former Judge of the Delhi High Court to act as the Arbitrator subject to the learned Arbitrator communicating his/her 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 30th September, 2023 along with the requisite details of the contact person of the petitioner.

(MOUSHUMI BHATTACHARYA, J.)