

OD-6

ORDER SHEET

AP/633/2022

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

DIPANKAR SARKAR
VS
M/S. URGO CAPITAL LIMITED

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date : 23rd February, 2023

Appearance:
Ms. Shrayashee Das, Adv.
...for the respondent

The Court: Counsel on behalf of the respondent submits that AP/633/2022 is a Section 14 application filed on behalf of the petitioner. The respondent submits that even though the award has been passed in the said matter, they are agreeable for appointment of a fresh arbitrator in the matter.

It is to be noted that the arbitral tribunal was a unilateral appointment.

None appears on behalf of the petitioner.

However, since the matter is clearly hit by the Supreme Court judgment in *Perkins Eastman Architects v. HSCC (India) Limited* reported in (2019) 9 SCC Online SC 1517, the Section 14 application is allowed.

The award passed by the erstwhile arbitrator is terminated and Mr. Rupak Ghosh, Advocate is appointed as the sole arbitrator to resolve the disputes between the parties.

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.

AP/633/2022 is, accordingly, disposed of.

(SHEKHAR B. SARAF, J.)

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