

OD-12

ORDER SHEET

AP/706/2023

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

M/S. STAINLESS FABCON PVT. LTD.
Versus
M/S. SOURAV ENGINEERING AND ORS.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 19th December, 2023.

Appearance:

Mr. Dhiraj Trivedi, Adv.

Mr. Sunil Gupta, Adv.

Ms. Swapna Jha, Adv.

...for the petitioner

Mr. Chandra Sekher Banerjee, Adv.

Mr. Soumya Ray, Adv.

Ms. Anwesha Saha, Adv.

Mr. Shamit Dutta, Adv.

...for the respondent no.2

The Court: The disputes between the parties arise out of a Leave and Licence Agreement dated 1st July, 2021. The Agreement was entered into between the petitioner and one Santu Dutta, who passed away on 9th March 2022. The three heirs of the deceased Santu Dutta have been brought on record and their names appear in the cause title.

Learned counsel appearing for the petitioner has taken the Court through the relevant documents including the arbitration clause contained in the Leave and Licence Agreement at Clause 26 thereof. The disputes started from a letter received by the petitioner from SBI on 26th May, 2022 whereby the

petitioner came to know of Santu Dutta's death. The petitioner replied to this letter on 8th June, 2022 informing the bank that the premises in question were presently under lock and key. The petitioner thereafter invoked the arbitration clause by way of a Notice dated 17th August, 2023 asking for vacant and peaceful possession of the property in question, namely, a godown. The petitioner also invoked the arbitration clause in the said Notice. The respondents have not replied to the invocation Notice.

Learned counsel appearing for the respondents does not dispute the existence of the differences between the parties or the arbitration Agreement.

The petitioner has quantified the loss as Rs.8 lakhs.

Considering that the dispute exists between the parties which is required to be adjudicated by an Arbitrator, AP/706/2023 is allowed and disposed of by appointing Mr. Aritra Basu, 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 22nd December, 2023 along with the requisite details of the contact person of the petitioner.

(MOUSHUMI BHATTACHARYA, J.)