

OD-5

ORDER SHEET

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

AP/719/2023

M/S. VISION GEO INFORMATICS PVT. LTD. AND ANR.
VS
STESALIT SYSTEMS LTD.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 12th October, 2023.

Appearance:
Mr. Malay Dhar, Adv.
Mr. Ratul Ghosh, Adv.
...for the petitioner

The Court:- The affidavit of service is already on record.

The petitioners' subsequent attempts at serving the respondent has failed. Documents to this effect are also taken on record.

The dispute between the parties arises out of an agreement dated 14th June, 2018 under which the petitioner, who is the sub-contractor, was to work in an Enumeration Survey of IP Set installations and Distribution Transformer Centres using equipment of GESCOM. GESCOM was responsible for setting up installations in the State of Karnataka and contracted the work to the respondent who in turn sub-contracted the work to the petitioners. The Agreement contains an arbitration clause.

The petitioners' complaint is with regard to unpaid invoices. The petitioners raised invoices from 29th March, 2018 to 5th January, 2021, all of

which are on record. The petitioners initially claimed Rs.66 lakhs, out of which Rs.43 lakhs was paid by the respondent. The balance is now Rs.23 lakhs. The petitioners issued several letters of demand on the respondent between 19th November, 2018 and 8th November, 2022. The petitioners ultimately invoked the arbitration agreement in a notice issued under Section 21 of the 1996 Act on 5th November, 2022. The respondent replied to this letter on 2nd June, 2023, which is after seven months, denying the contents of the Section 21 notice but not the arbitration agreement. There is indeed a dispute between the parties which is directly relatable to the agreement dated 14th June, 2018.

Learned counsel appearing for the petitioners has handed up an order passed by this Court on similar facts in AP/452/2023 involving the same respondent.

AP/719/2023 is accordingly allowed and disposed of by appointing Mr. Jayanta Sengupta, counsel 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 14th October, 2023 along with the requisite details of the contact person of the petitioner.

(MOUSHUMI BHATTACHARYA, J.)