

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

AP/734/2023

VINAR SYSTEM PRIVATE LIMITED
VS
PREMIUM TRANSMISSION PVT LTD.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : November 23, 2023.

Appearance:

Mr. Mainak Bose, Adv.

Mr. Deb Kumar Sen, Adv.

...for the petitioner

Mr. Shourjyo Mukherjee, Adv.

Mr. Sourajit Dasgupta, Adv.

...for the respondent

The Court:- The dispute between the parties, *albeit*, in an application filed under Section 9 of the 1996 Act, relates to the respondent supplying ear-boxes to the petitioner. The respondent claims amounts due and owing from the petitioner while the petitioner contends that the respondent should have furnished a performance bank guarantee in terms of the Agreement. According to learned counsel appearing for the petitioner, the petitioner will release 10% of the respondent's dues after the respondent furnishes the performance bank guarantee.

While the petitioner claims an amount outstanding of Rs.45 lakhs, the respondent's outstanding claim is around Rs.62 lakhs.

Learned counsel appearing for the parties have agreed to a sole Arbitrator being appointed to resolve the disputes between them. Counsel submit that considering the value of the claim, a sole Arbitrator would be sufficient in place and stead of the requirement of three Arbitrators provided under the Agreement.

AP/734/2023 is accordingly allowed and disposed of by appointing Mr. Dyutimoy Paul, 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 25th November, 2023 along with the requisite details of the contact person of the petitioner.

Needless to say, the scope of the reference will be limited to the notice sent by the respondent under Section 21 of the Act and the petitioner's response thereto.

(MOUSHUMI BHATTACHARYA, J.)