

OD-3

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

AP/760/2023

PRISM JOHNSON LIMITED
VS
SIMPLEX INFRASTRUCTURES LIMITED

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 21st December, 2023.

Appearance:

Mr. Rupak Ghosh, Adv.

Mr. S.K. Dutta, Adv.

Mr. Syamantak Banerjee, Adv.

...for the petitioner

Mr. Danyal Ahmed, Adv.

...for the respondent

The Court: The dispute between the parties relates to a work order dated 24th April, 2018 by which the petitioner was to supply ready-mix Concrete to the respondent for construction of a Viaduct for the Mumbai Metro Rail. The work order contains an arbitration clause. The petitioner says, through learned counsel, that the respondent made part payments towards the petitioner's dues but that an outstanding amount of Rs.7 crores remains due and payable by the respondent to the petitioner on account of the unpaid bills and invocation of the petitioner's bank guarantee.

The petitioner invoked arbitration clause by a notice dated 15th March, 2023 appointing its Arbitrator. The respondent did not reply to this notice.

The only prayer made on behalf of the respondent is that all points should be kept open and to be taken before the Arbitrator to be appointed by the Court.

Considering the material placed on record and being satisfied that there is a dispute between the parties which is covered by the arbitration clause contained in the work order, AP/760/2023 is allowed and disposed of by appointing Mr. Kalyan Jyoti Sengupta, former Chief Justice of the Andhra Pradesh High Court 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 23rd December, 2023 along with the requisite details of the contact person of the petitioner.

(MOUSHUMI BHATTACHARYA, J.)

sg.