

OD-5

ORDER SHEET

AP/769/2023

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

MUKESH KUMAR SONY
VS
AMBUJA HOUSING AND URBAN INFRASTRUCTURE COMPANY LTD.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 20th November, 2023.

Appearance:
Mr. Sujit Banerjee, Adv.
...for the petitioner

Mr. Somdutt Bose, Adv.
...for the respondent

The Court:- The dispute between the parties arises out of a general terms and conditions containing an arbitration clause under which the petitioner bought two flats from the respondent/builder for a consideration money of approximately Rs.35.36 lakhs for each flat. The respondent cancelled the agreement on 3rd November, 2018 and on the term that the respondent would refund only Rs.9 lakhs of the Rs.35 lakhs to the petitioner.

The petitioner accordingly issued a notice under Section 21 of the 1996 Act invoking the arbitration agreement on 2nd May, 2023 and the respondent replied on 22nd May, 2023 denying and disputing the contentions raised by the petitioner.

Learned counsel appearing for the respondent submits that the respondent does not have any objection to an Arbitrator being appointed to decide the disputes between the parties.

Upon considering the submissions made on behalf of the parties and perusing the arbitration agreement, AP/769/2023 is accordingly allowed and disposed of by appointing Mr. Amitabha Ghosh, 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 23rd November, 2023 along with the requisite details of the contact person of the petitioner.

(MOUSHUMI BHATTACHARYA, J.)