

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

AP/806/2023

M/S WATERTECH ENGINEERS PVT. LTD.
VS
SYAMA PRASAD MOOKHERJEE PORT, KOLKATA (KOLKATA PORT TRUST)
AND ORS.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 5th December, 2023.

Appearance:

Mr. Debashis Banerjee, Adv.

Ms. Moumita Pandit, Adv.

Mr. Supreem Naskar, Adv.

...for the petitioner

Mr. Ritzu Ghoshal, Adv.

Mr. Ashok Kr. Jena, Adv.

...for the respondent

The Court:- The application is for substitution of the learned Arbitrator under Sections 14 and 15 of the 1996 Act.

The learned Arbitrator was appointed by a co-ordinate Bench on 15th May, 2023 in an application under Section 11(6) of the Act. The minutes of the sitting held on 5th October, 2023, which was placed before the Court, show that the learned Arbitrator withdrew from the office on an objection taken by the respondents as to the Arbitrator's possible lack of independence under the provisions of the Act read with the Schedules thereto.

After considering the matter, this Court accordingly holds that the petitioner is entitled to appoint a substitute Arbitrator.

AP/806/2023 is, accordingly, allowed and disposed of by appointing Ms. Leena Panja, counsel to act as the Arbitrator subject to the learned Arbitrator communicating her 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 7th December, 2023 along with the requisite details of the contact person of the petitioner.

The affidavit-of-service is kept on record.

(MOUSHUMI BHATTACHARYA, J.)