

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

AP/822/2023

SAMRAT CHAKRABORTY
VS
SAMARESH SAHA

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 5th December, 2023.

Appearance:

Mr. Ayan Banerjee, Adv.
Mr. Arijit Bhowmick, Adv.
Mr. Soumo Chaudhury, Adv.
...for the petitioner

Mr. Debmalya Ghosal, Adv.
Mr. Jayanta Datta, Adv.
Mr. Biman Kumar Saha, Adv.
Mr. Atanu Mondal, Adv.
...for the respondent

The Court: The disputes between the parties arise out of a Partnership Deed dated 10th June, 2014. The petitioner and the respondent are the two partners of the said Partnership Firm. Learned counsel appearing for the petitioner as well as the respondent agree that there are indeed disputes between the parties which are required to be adjudicated by an Arbitrator. The fact of the disputes would further be evident from the submissions made including of the petitioner approaching the Commercial Court at Rajarhat for interim orders and obtaining a protective order in the form of appointment of a Receiver to take possession of the accounts and other documents of the entire office of the partnership firm. The petitioner followed the above up with a notice

invoking the Arbitration clause contained in the Partnership Deed by way of a notice dated 20th May, 2023. The respondent replied to the notice on 27th June, 2023 without disputing the Arbitration Agreement.

Learned counsel appearing for the petitioner in any event submits that the petitioner has been excluded from the operations of the partnership firm and that the respondent is carrying on a parallel business within the pressings of the firm. Whatever be the truth of this allegation, the disputes, no doubt, are required to be adjudicated by an Arbitrator. The disputes are relatable to the Arbitration agreement contained in the Partnership Deed.

AP/822/2023 is accordingly allowed and disposed of by appointing Mr. Shashwat Nayak counsel to act as the Arbitrator to resolve the disputes and differences between the parties subject to the learned Arbitrator communicating his consent in the prescribed form to the Registrar, Original Side of this Court within three weeks from date.

The Advocate-on-Record of the petitioner will communicate this order on the Arbitrator by 7th December, 2023 along with the relevant details of the contact person.

(MOUSHUMI BHATTACHARYA, J.)