

OD-11

ORDER SHEET

AP/833/2023

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

FAIRLAND DEVELOPMENT INDIA LIMITED AND ORS.
Versus
SOUMITA CONSTRUCTION PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 12th December, 2023.

Appearance:

Mr. Dwaipayan Basu Mullick, Adv.

Mr. Saunavo Basu, Adv.

Ms. Sweta Chakraborty, Adv.

Sk. Md. Wasim Akram, Adv.

Mr. Suvodeep Sen, Adv.

Mr. Debasish Ghose, Adv.

The Court: This is an application for appointment as well as for substitution of an erstwhile Arbitrator under Sections 11 and 15 of the 1996 Act, respectively.

The erstwhile learned Arbitrator was appointed on 9th July, 2018 by a learned Single Judge of this Court, as His Lordship then was. The arbitration proceeded to the stage of final arguments when the learned Arbitrator unfortunately passed away on 27th July, 2022.

The present application was filed in November, 2023. Learned counsel appearing for the petitioner seeks to explain the intervening delay on the ground that the parties were exploring a settlement in the meantime.

The settlement has not fructified between the parties although learned counsel appearing for the respondent points to the pleadings of the settlement.

Since the Arbitration has progressed to the stage of arguments, there is no need to dwell on the requirement of existence of a dispute between the parties any more.

The Arbitration must be allowed to crystallise into an Award.

AP/833/2023 is accordingly allowed and disposed of by appointing Mr. Ranjan Deb, Senior Counsel, to act as the learned Arbitrator in place and stead of the erstwhile learned 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 15th December, 2023 along with the requisite details of the contact person of the petitioner.

The parties will be at liberty to decide whether to resume from the stage at which the Arbitration was discontinued in July, 2022 as provided under Section 15(3) of the 1996 Act.

(MOUSHUMI BHATTACHARYA, J.)

sg.