

OD-4

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

AP/836/2023

SOUMYA ROY CHOUDHURY
VS
PALLAB BANERJEE

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 15th December, 2023.

Appearance:

Mr. Sourojit Dasgupta, Adv.
Mr. Steven Sourodip Biswas, Adv.
Mr. Aniruddha Ganguly, Adv.
..for the petitioner

Mr. Sourav Kr. Mukherjee, Adv.
Ms. Sahana Pal, Adv.
...for the respondent

The Court: The disputes in the present case arise out of a partnership deed of 6th July, 2019 consisting of two partners, both of who are before the Court.

The partnership deed has an arbitration clause at Clause 16 and also provides in Clause 11(d) that any criminal activity or any act which is detrimental to the partnership firm can be referred to arbitration.

The petitioner invoked this Clause in its Notice under Section 21 of the 1996 Act dated 4th September, 2023 outlining its grievance in respect of the activities of the respondent, which according to the petitioner, are prejudicial to the interest of the partnership. The petitioner appointed an Arbitrator in the said letter. The respondent replied to the said letter (the date of 3rd July, 2023

cannot be correct) disputing the contents of the invocation notice and raising various other grievances of the respondent against the petitioner.

The Notice and the Reply exchanged between the parties point to a dispute, while the petitioner says that the respondent hived of the partnership business, the respondent also appears to have his allegations against the petitioner. The disputes, hence, are covered by the arbitration agreement in the partnership deed.

AP/836/2023 is accordingly allowed and disposed of by appointing Mr. Swarnendu 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 18th December, 2023 along with the requisite details of the contact person of the petitioner.

(MOUSHUMI BHATTACHARYA, J.)