

OD-13

ORDER SHEET

AP/844/2023

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

GANPATI PLYBOARDS PVT. LTD.
VS
KITPLY INDUSTRIES LTD.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 11th December, 2023.

Appearance:

Mr. Varun Kothari, Adv.
...for the petitioner

Mr. Supratim Laha, Adv.
Mr. Sumanta Biswas, Adv.
Mr. Bikash Shaw, Adv.
...for the respondent

The Court: The dispute between the parties arises out of a Lease Agreement dated 10th June, 2016. The lease agreement was for 9 years and the petitioner was to repair and maintain the respondent's factory for manufacturing of plywood. Clause 7 of the Lease Deed outlines the work which was to be performed by the petitioner. The parties however disagreed on some fundamental issues of their lease and the respondent ultimately terminated the agreement on 22nd June, 2021. The respondent also filed a suit in the District Court of Rampur, U.P. for recovery of possession of the land and the factory. The petitioner, in the meantime, surrendered the lease in favour of the respondent on 21st November, 2022. The petitioner's notice of invocation of the

arbitration clause, contained in the Lease Deed, is dated 13th December, 2022. The petitioner's claim arises out of a security deposit withheld by the respondent and the expenses incurred by the petitioner for maintenance and repair of the respondent's factory. The petitioner also claims damages. The composite claim amounts to about Rs.4 crores.

Learned counsel appearing for the respondent does not dispute the arbitration agreement or the fact that there are several disagreements and disputes between the parties. Counsel submits that the respondent has a counter-claim against the petitioner.

AP/844/2023 is allowed and disposed of by appointing Ms. Manjula Chellur, former Chief Justice of the High Courts of Kerala, Calcutta and Bombay, 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 13th December, 2023 along with the requisite details of the contact person of the petitioner.

(MOUSHUMI BHATTACHARYA, J.)