

OCD-10

ORDER SHEET

AP-COM/5/2023

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
(Commercial Division)

SMT. DEBJANI GHOSH AND ANR.
VS
M/S. NEWLOOK ENTERPRISE AND ANR.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 19th December, 2023.

Appearance:

Mr. Shivshankar Banerjee, Adv.

Mr. Rajeswar Mitra, Adv.

Mr. Arghyodeep Chakraborty, Adv.

...for the petitioners

Mr. Subhadip Biswas, Adv.

...for the respondents

The Court: The application is for appointment of an arbitrator.

The petitioners are the legal heirs of one of the deceased partners in a partnership firm of two partners. The respondent no.2 is the surviving partner.

The deed of partnership dated 14th April, 1998 contains an arbitration clause.

The disputes arise out of the claims and demands made by the petitioners on the surviving partners/respondent no.2 and the refusal on the part of the latter to accede to those demands.

From the submissions made by the learned counsel appearing for the parties, it appears that the parties attempted to negotiate for a length of time

but did not reach any resolution. The petitioners ultimately invoked the arbitration clause by a Notice dated 13th October, 2023 listing its claims and disputes in paragraph 9 of that Notice. The respondents did not reply to that Notice.

Learned counsel appearing for the respondents does not deny that there are disputes between the parties.

Considering the fact that there is indeed a dispute between the parties and one which is covered by the arbitration clause, this Court is inclined to allow the present application. The petitioners have also quantified the dispute at approximately Rs.98 lakhs.

AP-COM/5/2023 is accordingly allowed and disposed of by appointing Ms. Smita Das De, 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 22nd December, 2023 along with the requisite details of the contact person of the petitioner.

(MOUSHUMI BHATTACHARYA, J.)