

OD-11

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

AP/848/2023

NISHA SKYSCRAPER PRIVATE LIMITED
VS
SHELTER PROJECTS LIMITED

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 18th December, 2023.

Appearance:

Mr. Sankarsan Sarkar, Adv.

Mr. Aditya Kanodia, Adv.

Mr. Shibam Banerjee, Adv.

..for the petitioner

Mr. Raghunath Chakraborty, Adv.

Mr. Abhrajit Ray Chowdhury, Adv.

...for the respondent

The Court: The application is for appointment of a substitute Arbitrator.

Learned counsel appearing for the petitioner has taken the Court through the relevant documents starting from a Development Agreement of 27th September, 2016 which contains the Arbitration clause at Clause 17.1 and the invocation notice issued by the petitioner on 17th August, 2020.

The Court is informed that the learned Arbitrator who was appointed by the parties recused from the Arbitration by an e-mail dated 25th January, 2021 on the ground of personal difficulties. Counsel submits that the parties thereafter tried various means to resolve disputes between them but were unable to do so. The present application was filed in December, 2023.

Counsel appearing for the parties pray for appointment of a Sole Arbitrator.

Since the parties are already in Arbitration, there is no need to dwell on the disputes between the parties at this stage.

Having regard to the petitioner's claim of Rs.1.25 crores against the respondent and the fact that Section 15 of the 1996 Act allows for appointment of a substitute Arbitrator on the erstwhile Arbitrator withdrawing from the proceedings, AP/848/2023 is accordingly allowed and disposed of by appointing Mr. Nilendu Bhattacharya, 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 20th December, 2023 along with the relevant details of the contact person.

Affidavit of service is taken on record.

(MOUSHUMI BHATTACHARYA, J.)