

AP/761/2022

IN THE HIGH COURT AT CALCUTTA
ORIGINAL CIVIL JURISDICTIONSTERLING AND WILSON PVT. LTD.
VERSUS
M/S. SIMPLEX INFRASTRUCTURE LTD.BEFORE:
THE HON'BLE CHIEF JUSTICE PRAKASH SHRIVASTAVA
DATE : 5TH JANUARY, 2023.

APPEARANCE:

Mr. Shambu Prasad, Advocate
Mr. Gopal Thakur, Advocate
*.....for the applicant.**Mr. Abhishek Banerjee, Advocate*
..for respondent

The Court: This application under Section 11 of the Arbitration and Conciliation Act, 1996 has been filed for appointment of the arbitrator to resolve the disputes between the parties.

Learned counsel for the respondent has raised the preliminary objection that there was no attempt to appoint the sole arbitrator mutually in terms of the arbitration clause 25 contained in the work order. He has also raised an objection that no notice in terms of Section 21 with the request to refer the dispute to arbitration has been sent.

In view of this, learned counsel for the applicant seeks permission to withdraw the AP with liberty to file a fresh AP after complying with the requirement of arbitration clause relating to the attempt for appointment of sole arbitrator mutually and also after serving proper notice in terms of Section 21 of the Act.

The prayer is allowed.

AP is dismissed as withdrawn with the liberty as prayed for.

(PRAKASH SHRIVASTAVA, C.J.)