

ORDER SHEET

AP/815/2022

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

SREI EQUIPMENT FINANCE LIMITED
Versus
BANAMALI ENTERPRISES AND ANR.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 16th October, 2023.

Appearance:

Mr. Swatarup Banerjee, Adv.
Mr. Subhankar Chakraborty, Adv.
Mr. Saptarshi Bhattacharjee, Adv.
Ms. Ruchira Manna, Adv.
...for the petitioner

Mr. Debdeep Sinha, Adv.
...for the respondents

The Court: The petitioner seeks appointment of an Arbitrator in respect of two agreements being an agreement dated 22nd March, 2015 bearing No. 82455 and a personal guarantee agreement executed between the petitioner and the respondent no.2 on the same day.

The erstwhile Arbitrator recused from the proceedings which is recorded in a Minutes dated 17th August, 2022. The recusal was a result of the respondent (also the respondent before this Court) opposing the Arbitrator's appointment.

The Court is informed that the erstwhile Arbitrator only held one sitting before the recusal.

The only issue before the Court is whether one Arbitrator can be appointed for both the agreements.

Upon considering the reference made in the personal guarantee agreement to the other agreement bearing No. 82455 and the fact that parties intended the personal guarantee agreement to cover all dispute and differences in connection with the guarantee and the agreement bearing No. 82455, this Court sees no difficulty in appointing one Arbitrator for a consolidated reference in relation to both the agreements.

AP/815/2022 is accordingly allowed and disposed of by appointing Ms. Nishita Mhatre, former Acting Chief Justice of this Court 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 18th October, 2023 along with the requisite details of the contact person of the petitioner.

The learned Arbitrator will resume the arbitration from the stage it was discontinued.

The petitioner's supplementary affidavit is taken on record.

(MOUSHUMI BHATTACHARYA, J.)