

OD-4

ORDER SHEET

AP/834/2022

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

MDV RESOURCES PRIVATE LIMITED
Versus
MTC BUSINESS PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 26th July, 2023.

Appearance:

Mr. Priyankar Saha, Adv.
Ms. Ankita Upadhyay Agarwal, Adv.
...for the petitioner

Mr. Saptak Sanyal, Adv.
Mr. Subhasis Pyne, Adv.
...for the respondent

The Court: The dispute between the parties relates to unpaid bills of the petitioner as raised by the petitioner on the respondent for conversion of coke to metallurgical coal. The Agreement governing the transaction was entered into on 1st November, 2018. This Agreement has an arbitration clause at Clause 27.4. The petitioner invoked the arbitration clause and sent a notice to the respondent under Section 21 of the 1996 Act on 28th September, 2021 stating that the petitioner has a claim of approximately Rs.3.3 crores on account of loss and damages suffered by the petitioner on the alleged breach on the part of the respondent of the terms and conditions of the contract.

The respondent is represented and learned counsel invites the Court to appoint an Arbitrator.

Having found that there is an existing Agreement as well as a dispute between the parties which needs to be resolved in accordance with the arbitration clause contained in the contract, AP No.834 of 2022 is allowed and disposed of by appointing Md. Mumtaz Khan (Mob: 8336932293), former Judge of this Court to act as Arbitrator, subject to the Arbitrator indicating his consent in the prescribed format to the Registrar, Original Side of this Court within three weeks from date.

The advocate-on-record of the petitioner shall communicate this order on the Arbitrator by 28th July, 2023 along with the relevant particulars of the contact person of the petitioner.

(MOUSHUMI BHATTACHARYA, J.)