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ORDER SHEET
AP/847/2022
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

SUNRISE ORE AND MINERALS PRIVATE LIMITED
VS
MIRONDA MINMETALS PRIVATE LIMITED FORMERLY KNOWN AS
MIRONDA TRADE AND COMMERCE PRIVATE LIMITED

BEFORE:
The Hon'ble JUSTICE SHEKHAR B. SARAF
Date: 17th January, 2023.

Appearance:
Mr. Sakya Sen, Adv.
Mr. Aniruddha Mitra, Adv.
Mr. Gaurav Purkayastha, Adv.
. . .for the petitioner.

Mr. Ratnanko Banerji, Sr. Adv.
Mr. Saurodip Banerjee, Adv.
Ms. Shivangi Thard, Adv.
. . .for the respondent.

The Court: This is a Section 9 application wherein the petitioner submits that certain amounts are due from the respondent for goods supplied that are lying at the docks. The admitted position is that 90% payment has been made and there appears to be dispute with regard to the quality of the goods that have been supplied leading to non-payment of the balance 10%. Counsel on behalf of the respondent has submitted that there is material suppression of facts in the

Section 9 application that does not disclose the disputes that have arisen between the parties.

Since both parties have consented to appointment of an Arbitrator, this Court on consent of the parties directs appointment of the sole Arbitrator to resolve the disputes between the parties.

In view of the above, with consent of both parties, Ms. Noelle Dey (Banerjee), [Mobile No. 9836629919] Advocate, Bar Library Club, is appointed as a sole Arbitrator to resolve the disputes between the parties. The appointment is subject to submission of declaration by the Arbitrator in terms of Section 12(1) in the form prescribed in the Sixth Schedule of the Act before the Registrar, Original Side of this Court within four weeks from today.

Let this order be conveyed to the Arbitrator by the Registrar, Original Side forthwith.

In light of the above directions, the Section 9 application bearing no. AP 847 of 2022 is disposed of. The parties shall be at liberty to move appropriate application before the sole Arbitrator.

(SHEKHAR B. SARAF, J.)

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