

Item- 16. 26-11-2024

sg Ct. 12

**FMAT (ARBAWARD) 37 of 2024
CAN 1 of 2024**

M/s. Krishna Traders (New) & Ors.
Versus
M/s. Clix Capital Services Private Limited.

Mr. Pijush Kanti Khanra
Mr. Somnath Khanra
Mr. Arpanyan Mukherjee
...for the appellants

Mr. Anjan Ganjan
Mr. Akash Dutta
Mr. Krity Mishra
Ms. Moumita Dhar
...for the respondent/claimant

1. In view of the fact that the Arbitrator has not made a disclosure statement under Section 12(5) read with 7th Schedule of the Arbitration and Conciliation Act thereby depriving the opportunity of the petitioner to consider impartiality of the Arbitrator notwithstanding the fact that the appellant may not have responded to the three names forwarded by the lender for appointment of an Arbitrator.
2. The procedure adopted is irregular and hence, this order is not sustainable.
3. The appeal is allowed. The impugned order is set aside.
4. We make it clear that we set aside the order because of procedural irregularity and not on merits.
5. The application is, accordingly, disposed of.

(Soumen Sen, J.)

(Biswaroop Chowdhury, J.)

