

13th March, 2024
Ct. 1
D/L 11
(AK)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

C.O. 24 of 2024

Sri Babu Nanda Mishra
Versus
Dr. Nitin Naik and others

Mr. Navin Barik
Ms. Esha Acharya
... for the petitioner.

Mr. Amit Sinha
Mr. Bikash Singha
...for the respondent no.1.

1. Learned counsel appearing for the petitioner places an order passed by a coordinate Bench dated 5th December, 2023 whereby the petitioner was given leave to pursue the present application under Section 11 of the 1996 Act. Counsel has also placed a letter of the learned Arbitrator who, according to counsel, was unilaterally appointed by the respondents. By the said letter dated 25th November, 2023, the Arbitrator resigned from the office of the Arbitrator with immediate effect. The ground stated is that several applications have been filed challenging his appointment as Arbitrator.

2. Although the petitioner certainly has a case for applying for appointment of a new Arbitrator, the notice of invocation is of 26th July, 2021 after which there have been several subsequent events.
3. The petitioner should hence take appropriate steps for issuing a fresh notice of invocation on the respondents. The parties will have the liberty to approach the court pursuant to such notice.
4. C.O. 24 of 2024 is accordingly disposed of in terms of the above.

(Moushumi Bhattacharya, J.)