

OCD-13

ORDER SHEET

AP-COM/27/2024

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

HIND CERAMICS PRIVATE LIMITED
VS
BEVKART INDUSTRIES LIMITED

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 9th January, 2024.

Appearance:

Mr. Ritoban Sarkar, Adv.

Mr. Sumon Roy, Adv.

Mr. Sayan Banerjee, Adv.

Ms. Urbi Roy, Adv.

...for the petitioner

Mr. Debashis Banerjee, Adv.

Mr. Indranil Roychowdhury, Adv.

Mr. Supreem Naskar, Adv.

..for the respondent

The Court: The dispute between the parties arises out of an Agreement for Lease dated 15th January, 2021 whereby the petitioner leased out its space to the respondent for commercial packaging of FMCG products. The petitioner is aggrieved by the respondent failing to pay the lease rentals, which according to learned counsel, amounts to approximately Rs.59 lakhs as on November, 2023.

The petition contains letters of demand from the petitioner including one of 24th May, 2022. The respondent remained silent and did not reply to these letters. The respondent also did not reply to the notice invoking the arbitration agreement under Section 21 of the 1996 Act which the petitioner issued on 29th August, 2023. The arbitration clause is contained in the Agreement for Lease.

Considering the submissions made on behalf of the parties, it is evident that there is indeed a dispute which exists between the parties on account of the unpaid lease rentals by the respondent to the petitioner. The dispute is also relatable to the arbitration agreement.

AP-COM/27/2024 is accordingly allowed and disposed of by appointing Ms. Arunima Lala, counsel 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 11th January, 2024 along with the requisite details of the contact person of the petitioner.

(MOUSHUMI BHATTACHARYA, J.)