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IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

AP/3/2024
IA NO: GA/1/2024

BHAKTI BHUSAN SARKAR
VS
M/S J D NIRMAN PRIVATE LIMITED AND ORS

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 22nd April, 2024.

Appearance:
Mr. Srikanta Dutta, Adv.
Mrs. Rituparna Sarkar Dutta, Adv.
Mr. Jayanta Kumar Dhar, Adv.
...for petitioner.
Mr. Supratim Laha, Adv.
Mr. Balaji Chakraborty, Adv.
...for respondent no. 1

The Court:- This is an application under Section 11 of the Arbitration and Conciliation Act, 1996. The dispute between the parties arises out of development agreement dated 3 November, 2014. It is submitted that pursuant to the aforesaid development agreement, there have been disputes and differences by and between the parties, inter alia, pertaining to the non-payment of money, raising of an additional floor, delivery of possession and disputes regarding car parking spaces which arises out of the agreement.

Clause 17 of the development agreement, inter alia, provide as follows;

"17. Arbitration :

In case of any dispute or differences between the parties hereto of any nature whatsoever, the same shall be referred to a Sole Arbitrator to be mutually nominated."

The respondents are represented and submit that they have no objection to an Arbitrator being appointed to adjudicate upon the disputes between the

parties in terms of the arbitration clause. In such circumstances, Mr. Supriyo Bose, Senior Advocate is appointed as a Sole Arbitrator subject to the Learned Arbitrator communicating 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 to the Learned Arbitrator forthwith and positively within 10 days from the date of passing of this order.

With the aforesaid directions, AP/3/2024 stands disposed of. The allegations contained in the application are not admitted.

It is submitted that all the heirs and legal representatives of the respondent no. 3 are on record. Accordingly, GA/1/2024 for deletion of the respondent no. 3 stands allowed.

(RAVI KRISHAN KAPUR, J.)

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