

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

AP-COM/28/2024

RAJIV TIBREWAL
VS
MODELLO VENTURES LLP AND ORS

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 17th January, 2024.

Appearance:

Mr. Varun Kothari, Adv.

Mr. Nikunj Berlia, Adv.

Ms. Saolini Bose, Adv.

...for the petitioner

Mr. Shaunak Mitra, Adv.

Mr. Rabindra Kr. Mitra, Adv.

...for the respondent nos. 1, 3 and 4

Mr. Rishav Banerjee, Adv.

Mr. A.K. Awasthi, Adv.

...for the respondent no. 2

The Court:- The disputes between the parties arises out of a LLP Agreement dated 7th December, 2012 involving four individuals. One of the four partners is before this Court while respondent no. 2 sought to resign from LLP by a letter dated 9th January, 2023. The other two partners/respondents are the respondent nos. 3 and 4.

Clause 29 of the LLP Agreement makes it clear that every resolution must be passed by a majority. Hence there is presently a 1:1:2 situation before the Court.

The dispute arises primarily from the grievance of the petitioner who complains that not only have the respondents siphoned away funds from the

LLP business without the notice or consent of the petitioner but that the petitioner's capital account has also been debited by the respondents. The petitioner's notice invoking the Arbitration clause is on record. The notice is dated 18th August, 2023. The respondents replied to this notice on 12th September, 2023. The respondents disputed not only the contents of the invocation notice but also the petitioner's choice of Arbitrator. The submissions made on behalf of the parties point to a clear dispute between the parties which are required to be resolved in terms of the arbitration clause contained in the LLP Agreement.

AP-COM/28/2024 is accordingly allowed and disposed of by appointing Mr. Siddhartha Roy Chowdhury, former Judge of this Court, to act as the Arbitrator to resolve the disputes and differences between the parties subject to the learned Arbitrator communicating his consent in the prescribed form to the Registrar, Original Side of this Court within three weeks from date.

The Advocate-on-Record of the petitioner will communicate this order on the Arbitrator by 19th January, 2024 along with the relevant details of the contact person.

All the allegations raised on behalf of the respondent no. 2 will be raised before the learned Arbitrator.

Since affidavits have not been called for, the allegations contained in the application are deemed not to have been admitted.

(MOUSHUMI BHATTACHARYA, J.)