

ORDER SHEET

AP/17/2024

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

ANKIT AGARWAL
Versus
BALJIT SINGH

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 22nd February, 2024.

Appearance
Ms. Amrita Pandey, Adv.
...for the petitioner

Mr. Bidish Ghosh, Adv.
Mr. S. Balial, Adv.
...for the respondent

The Court: This is an application for appointment of an Arbitrator under Section 11 of The Arbitration and Conciliation Act, 1996.

The dispute arises out of a Development Agreement dated 1st November, 2019 executed between the petitioner and the respondent whereby the petitioner was to develop a land owned by the respondent on the terms and conditions contained in the Development Agreement. Clause 7.2 of the Agreement contains an arbitration clause.

The petitioner claims, through learned counsel, that the petitioner parted with Rs.15 lakhs but could not proceed with the work since the respondent failed to hand over the title deeds as well as the required power of attorney to the petitioner. The petitioner accordingly invoked the arbitration clause by way of a Notice dated 21st August, 2023 and also

issued a letter of demand on the respondent of an amount of Rs.46 lakhs. The respondent replied to the invocation Notice on 2nd September, 2023 raising various disputes but nominating its Arbitrator.

Although the arbitration Agreement implies three Arbitrators (the language is not clear), the claim of Rs.46 lakhs can well be resolved by one Arbitrator.

The dispute between the parties is evident from the facts stated above and is directly relatable to the arbitration Agreement.

AP/17/2024 is accordingly allowed and disposed of by appointing Ms. Suchismita Chatterjee (Ghosh), 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 26th February, 2024 along with the requisite details of the contact person of the petitioner.

It is made clear that the issue with regard to the status of the Agreement as an unregistered Agreement will also be decided by the learned Arbitrator.

(MOUSHUMI BHATTACHARYA, J.)