

OD-9

ORDER SHEET

AP/26/2024

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

HIMANISH HAJRA
VS
KAMALA PAUL AND ORS.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 19th February, 2024.

Appearance:

Mr. Madhusudan Saha Roy, Adv.

Mr. Rivu Dutta, Adv.

Mr. Rhitam Chatterjee, Adv.

..for the petitioner

Mr. Debdutta Sen, Adv.

Ms. Suchishmita Ghosh Chatterjee, Adv.

..for the respondent nos.2-6

The Court: This is an application for substitution of the erstwhile learned Arbitrator. The records before the Court show that the mandate was extended on 30th August, 2023 for three months from 2nd August, 2023. The mandate was hence to expire on 2nd November, 2023.

Unfortunately, however, the learned Arbitrator passed away on 27th November, 2023. Hence the present application.

The respondent no.1 is the claimant in the arbitration. The petitioner is the first respondent in the arbitration and the other respondents are the five respondents in the arbitration.

Mr. Kumarjit Banerjee, Counsel, is accordingly appointed as the learned Arbitrator in place and stead of the erstwhile learned Arbitrator. Since the Court is informed that about 79 sittings were held by the erstwhile Arbitrator, the parties will have the liberty under Section 15(3) of The Arbitration and Conciliation Act, 1996 of continuing from the stage at which the arbitration was discontinued.

The learned Arbitrator will communicate his consent in the prescribed format within 2 weeks from today.

AP/26/2024 is disposed of in terms of the above.

(MOUSHUMI BHATTACHARYA, J.)

bp.