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ORDER SHEET

AP/33/2024

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

SRI GOUTAM MUKHERJEE AND ANR.
VS
BAJAJ ALLIANZ LIFE INSURANCE COMPANY LIMITED AND ANR.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 28th February, 2024.

Appearance:

Mr. Amritam Mandal, Adv.

Mr. Debasish Mukherjee, Adv.

Ms. Madhushri Dutta, Adv.

Mr. D. R. Mukherjee, Adv.

The Court: The petitioners seek appointment of an Arbitrator in place and stead of the Arbitrator who was appointed by a Co-ordinate Bench on 20th July, 2017.

Learned counsel appearing for the respondents has placed a letter of the Arbitrator of 31st July, 2019 where the Arbitrator has recorded that the Arbitrator was unable to pass the award since no advocates were willing to appear on the dates of hearing fixed in the proceedings despite several requests being made to counsel to proceed with the hearing.

It is not clear as to why the petitioner would wait for almost five years and then file the present application for appointment of a substitute Arbitrator.

The delay in taking out this present application would also appear from the date of elevation of the Arbitrator which was sometime in June, 2022.

The Court is informed that the Arbitrator held around 11 sittings before issuing the letter on 31st July, 2019.

Considering the fact that the arbitration proceedings have remained stalled since July, 2019, AP/33/2024 is allowed and disposed of by appointing Ms. Panja Moulik, 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 petitioners' advocate-on-record shall communicate this order on the learned Arbitrator by 1st March, 2024 along with the requisite details of the contact person of the petitioners.

The petitioners shall pay costs for the intervening delay of Rs. 10,000/- to Lighthouse for the Blind within seven days from today.

(MOUSHUMI BHATTACHARYA, J.)

sg.