

OCD-4

ORDER SHEET

AP-COM/423/2024

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

ARSUDAY EVERA GARDEN LLP
VS
GOLD MOON EXPORTS PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 8th April, 2024.

Appearance:

Mr. Jishnu Saha, Sr. Adv.
Mr. Reetobrata Kr. Mitra, Adv.
Mr. Arik Banerjee, Adv.
Mr. Aditya Kanodia, Adv.
Ms. Shreya Trivedi, Adv.
...for the petitioner

Mr. Amit Kumar Nag, Adv.
Mr. Swarajit Dey, Adv.
...for the respondent

The Court: It is submitted on behalf of the respondent that pursuant to the filing of this application, the petitioner has invoked the arbitration clause and issued a notice under Section 21 of the Arbitration and Conciliation Act, 1996.

By an order dated 23rd February, 2024, a Co-ordinate Bench had granted an ex parte interim order in terms of prayer (b) of the Notice of Motion. The said order has been extended from time to time and is still subsisting.

In view of the fact that the notice under Section 21 of the Arbitration and Conciliation Act, 1996 has been received by the respondent, by consent of the parties, Mr. Justice Sahidullah Munshi (Retd.) is appointed as the Sole Arbitrator to adjudicate the disputes by and between the parties pertaining to the agreement dated 23rd February, 2019. The appointment is subject to the Learned Arbitrator communicating his consent in the prescribed format to the Registrar, Original Side of this Court within two weeks from date of communication of this order. The Advocate-on-Record of the petitioner shall communicate this order to the Learned Arbitrator forthwith and positively within 7 days from the date of passing of this order.

The interim order shall continue for a period of four weeks from the date of passing of this order within which time the Arbitrator is requested to commence the arbitral proceedings and also adjudicate upon any interim application filed under section 17 of the Act.

The question of further extension of the interim order may also be considered by the Learned Arbitrator.

Since no Affidavit-in-Opposition has been filed, all points are left open to be taken up for consideration by the Arbitrator.

With the aforesaid directions, AP-COM/423/2024 stands disposed of.

(RAVI KRISHAN KAPUR, J.)