

OCD-11 & 12

ORDER SHEET

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

AP-COM/430/2024

GAINWELL COMMOSALES PVT. LTD.
VS
ATHARV CONSTRUCTIONS PVT. LTD AND ORS.

AND

AP-COM/431/2024

GAINWELL COMMOSALES PVT. LTD.
VS
ATHARV CONSTRUCTIONS PVT. LTD AND ORS.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA
Date : 6th August, 2024.

Appearance:

Mr. S. Ghose, Adv.
Mr. R. Dutt, Adv.
Mr. S. Bhattacharya, Adv.
...for the petitioner

Mr. Brajesh Jha, Adv.
Mr. Akash Dutta, Adv.
Ms. Megha Datta, Adv.
Mr. Neel Chakraborty, Adv.
...for the respondents

The Court: Both the matters are taken up together, since both arise from different contracts but connected to the same transaction between the parties.

Heard learned counsel for the parties.

Upon a perusal of the agreement between the parties, it transpires that the present disputes between the parties comes within the ambit of the arbitration clause and the disputes are otherwise arbitrable.

Accordingly, AP-COM/430/2024 and AP-COM/431/2024 are allowed, thereby appointing Mr. Jishnu Chowdhury, a member of the Bar Library Club, to act as the sole Arbitrator to resolve the dispute between the parties in both the matters, subject to a declaration being obtained from the said learned Arbitrator in terms of Section 12 of the Arbitration and Conciliation Act, 1996. The Arbitrator shall fix his own remuneration upon consultation with the parties, within the purview of the 1996 Act read with its Schedules.

(SABYASACHI BHATTACHARYYA, J.)