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ORDER SHEET
AP-COM/445/2024
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

LALITA DEVI SUREKHA
VS
UNION OF INDIA

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 4th November, 2024.

Appearance:
Mr. Jayanta Sengupta, Adv.
Ms. Shebatee Dutta, Adv.
Ms. Poulami Roy, Adv.
...for the petitioner

Mr. Ranjan Kumar Sinha, Adv.
Mr. Guddu Singh, Adv.
...for the Union of India

The Court: The petitioner has filed this application under Section 11 of the Arbitration and Conciliation Act, 1996. According to the petitioner, notice invoking arbitration was duly sent to the Railway Authorities, but the Railway Authorities refused to act in terms of the arbitration clause.

There is an arbitration clause. According to the respondent, the arbitration clause provides certain restrictions. In my opinion, how much of the claim would be arbitrable or covered by the said clause, should be decided by the learned Arbitrator.

In such circumstances, the Court appoints Mr. Samrat Sen, learned Senior Advocate as the Arbitrator to arbitrate the disputes. All points raised by the parties shall be raised before the learned Arbitrator. This order is subject to compliance of Section 12 of the Arbitration and Conciliation Act, 1996. The learned Arbitrator shall fix his own remuneration as per the provisions of the Arbitration and Conciliation Act.

AP-COM/445/2024 is, accordingly, disposed of.

(SHAMPA SARKAR, J.)