

OC-23

ORDER SHEET

AP-COM/463/2024

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

M/S. SHAKAMBHARI ISPAT AND POWER LIMITED
VS
JYOTI KUMARI

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 6th August, 2024.

Appearance:

Mr. Bhaskar Dwivedi, Adv.

Mr. Abhijit Sarkar, Adv.

Mr. Abhik Chitta Kundu, Adv.

...for the petitioner

The Court: Affidavit of service filed today be kept on record.

Despite substituted service having been effected, none appears for the respondent at the time of call.

The petitioner has made a money claim and to that effect sent a demand notice to the respondent on November 1, 2023 which is annexed to the present application. Thereafter, the petitioner also issued a notice under Section 21 of the Arbitration and Conciliation Act, 1996 on January 29, 2024.

There being no consensus between the parties as to the appointment of Arbitrator, the present application has been filed. I find from the agreement between the parties that the same contains an arbitration clause

which covers the dispute/money claim now raised by the petitioner. Since such claim is implicitly arbitrable, there is no bar in appointing an Arbitrator to resolve the dispute between the parties.

Accordingly, AP-COM/463/2024 is allowed, thereby appointing Mr. Pradyumna Sinha, Advocate (Mobile No. 99038 13146) to act as the sole Arbitrator to resolve the dispute between the parties, 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.)