

OCD-48

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

AP/250/2021

SOURAV GANGULY
VS
MISPORT MANUFACTURING PRIVATE LIMITED AND ANR.

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 22nd April, 2024.

Appearance:
Ms. Anna Malhotra, Adv.
Mr. R. Advocate, Adv.

The Court: This is an application under Section 11 of the Arbitration and Conciliation Act, 1996.

The disputes between the parties arise out of a Celebrity Endorsement Agreement dated 22nd January, 2016.

It is submitted on behalf of the petitioner that there is sum of approximately Rs.1.5 crores due and payable by the respondent. It is also submitted that, pursuant to the said agreement and after making payment of an initial amount, the respondents have failed and refused to honour their obligations under the agreement dated 22nd January, 2016.

Clause 12.11 of the agreement is as follows:

"12.11 Disputes:-

- (i) *Any disputes or differences among the Parties hereto arising out of or relating to this AGREEMENT shall be settled by arbitration by a sole arbitrator mutually appointed by the Parties, and failing such agreement,*

the arbitrator shall be appointed in accordance with the Arbitration and Conciliation Act, 1996, as amended from time to time.

- (ii) The arbitration proceedings shall be governed by the Arbitration and Conciliation Act, 1996, as amended from time to time and /or any such law relating to arbitration in force at the time of reference of such dispute or difference to arbitration:*
- (iii) The venue of arbitration shall be Kolkata, India;*
- (iv) The proceedings of arbitration shall be conducted in English language; and*
- (v) The Arbitrator's award shall be in writing and shall be a reasoned award. The arbitration award shall also decide on the cost of the arbitration proceedings."*

On behalf of the respondent, it is submitted that they have no objection in the appointment of an Arbitrator.

In view of the submissions made on behalf of the parties and the live arbitrable disputes arising out of the agreement, AP 250 of 2021 stands disposed of by appointing the Hon'ble Former Chief Justice Mr. Sanjib Banerjee of the Madras and Meghalaya High Courts as Sole Arbitrator subject to the Learned Arbitrator communicating his consent in the prescribed format to the Registrar, Original Side of this Court within three weeks from date.

The Advocate on Record of the petitioner shall communicate this order to the Learned Arbitrator forthwith and positively within 7 days from the passing of this order.

(RAVI KRISHAN KAPUR, J.)