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ORDER SHEET
AP/66/2024
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

SEKH AZIMUDDIN
VS
SARASWATI DAS ALIAS GITA DAS AND ORS

BEFORE:
The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA
Date: 5th July, 2024.

Appearance:
Mr. Ayan Mitra, Adv.
. . .for the petitioner.

The Court: Despite two occasions of service, which are borne out by the affidavits of service on record, none appears for the respondents at the time of call.

The dispute pertains to claims by the petitioner within the purview of a development agreement entered into between the petitioner and the respondent. Cause 17.1 of the said agreement contemplates that if at any time any dispute arises between the parties regarding the construction or interpretation of any of the terms and conditions or touching the agreement or determination of any liability of any of the parties under the agreement, the same shall be referred to arbitration.

Since the dispute is otherwise arbitrable and comes within the purview of the arbitration clause and this Court is satisfied from the Annexures to the application that due service was effected of a notice under Section 21 of the

Arbitration and Conciliation Act, 1996 (which was refused by the respondent, which amounts to good service), there cannot be any impediment in appointing an arbitrator under Section 11 of the 1996 Act.

Accordingly, AP 66 of 2024 is allowed, thereby appointing Ms. Noelle Banerjee (Mob. No. 9836629919) as the sole Arbitrator to resolve the disputes between the parties, subject to obtaining a disclosure under Section 12 of the Arbitration and Conciliation Act, 1996 from the said learned Arbitrator. The sole Arbitrator shall fix her own remuneration within the confines of the Arbitration and Conciliation Act, 1996, read with its Schedules.

(SABYASACHI BHATTACHARYYA, J.)

SP/