

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE
(Commercial Division)

AP-COM/487/2024
Asraful Sk
VS
Union Of India And Ors

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 18th November, 2024

Appearance:
Mr. Amitava Ghosh, Adv.,
Mr. Malay Kr. Das, Adv.
Mr. Sourav Chatterjee, Adv.
...for petitioner.

Ms. Aparna Banerjee, Adv.
...for respondent.

The Court:- Petitioner's advocate on record is directed to describe the application properly.

The petitioner/claimant prays for extension of mandate and appointment of substituted arbitral Tribunal.

The erstwhile learned Tribunal was appointed by an order dated July 9, 2018. The proceeding continued for a while, but thereafter Covid-19 intervened and the mandate terminated. The Railways made a prayer that the fees of the learned arbitrators should be fixed as per the Schedule-IV of the Arbitration and Conciliation Act, 1996. Such application raised certain difficulties. The proceedings have not progressed.

Mr. Ghosh, learned advocate for the claimant submits that once the mandate terminates, the Court can appoint substituted arbitrators.

In view of the controversy raised by Ms. Banerjee, learned advocate for the respondents, the Court appoints three learned arbitrators to adjudicate the disputes

between the parties. The proceeding will commence with the submissions of the claimant. It is accepted by both the parties that the pleadings are complete.

Accordingly, Mr. Ranjan Deb, learned Senior Advocate, Mr. Partha Sarathi Bhattacharya, learned Senior Advocate and Mr. Kartick Bhattacharya, are appointed as the arbitrators to adjudicate the disputes between the parties.

Mr. Ranjan Deb, learned Senior Advocate will act as the presiding arbitrator.

This order will be subject to compliance of Section 12 of the Arbitration and Conciliation Act, 1996 by the learned arbitrators and the learned arbitrators shall be at liberty to fix their remuneration in accordance with Schedule IV of the Arbitration and Conciliation Act, 1996.

The parties will be at liberty to pray for handing over the papers of the proceeding.

AP-COM/487/2024 stands disposed of accordingly.

(SHAMPA SARKAR, J.)