

AP-COM/498/2024

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

SP SINGLA CONSTRUCTIONS PVT. LTD.

-VERSUS-

GOVERNMENT OF WEST BENGAL

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 20th November, 2024

Appearance:

Mr. Tilak Bose, Sr. Adv.

Mr. Swatarup Banerjee, Adv.

Ms. TanviKakar, Adv.

Mr. Aditya Shandilya, Adv.

Mr. Aditya Mondal, Adv.

Ms. Somporna Chatterjee, Adv.

Mr. Aamir Zafar Khan, Adv.

...for the petitioner.

Mr. Samrat Sen, Ld. AAAG.

Mr. Paritosh Sinha, Adv.

Ms. Noelle Banerjee, Adv.

Mr. ArindamnMondal, Adv.

Mr. Ritoban Sarkar, Adv.

Mr. Aishik Chakraborty, Adv.

Ms. Sweta Gandhi, Adv.

...for the State.

The Court: The arbitration clause is not disputed. The invocation of such arbitration is also on record. The petitioner supplied the name of its nominee i.e., Hon'ble Justice J.D. Kapoor, (Retd.) former

Judge of Delhi High Court. The respondent did not reply to the notice invoking arbitration. The matter is now before the Court.

Mr. Samrat Sen, learned AAAG and senior Advocate, submits that the Court may appoint a sole arbitrator. It is further submitted that the fees for arbitration may be fixed according to the Schedule of the Arbitration and Conciliation Act, 1996. According to Mr. Sen, the arbitral tribunal comprising of three learned arbitrators would be expensive for the respondent and the Government would be overburdened. It is also submitted that if the arbitrators travel from outside, Government would have to incur additional expenses.

Mr. Bose, learned senior Advocate for the petitioner submits that the petitioner is willing to bear the cost of travel and stay of its nominee. Thus, parties will bear the cost of travel and other expenses of their respective nominees.

In such view of the matter, this Court directs that Hon'ble Justice J. D. Kapoor (Retd.), former Judge of Delhi High Court shall be one of the members of the tribunal as the nominee of the petitioner and Hon'ble Justice Sanjib Banerjee (Retd.) former Chief Justice of Madras and Meghalaya High Courts shall be the respondent's nominee and the learned arbitrators shall appoint the Presiding Arbitrator. The venue of arbitration will be Kolkata.

Mr. Sen's submission that the remuneration of the learned Tribunal should be as per the Fourth Schedule of the 1996 Act, is noted, but this Court leaves it to the discretion of the learned Tribunal to decide the remuneration.

Accordingly, AP-COM/498/2024 is disposed of.

All parties are to act on the basis of server copy of this order.

(SHAMPA SARKAR, J.)

A/s.