

OD-16

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

AP/76/2024

MECHON SERVICES
VS
SOIL AND ENVIRO INDUSTRIES PVT LTD AND ORS

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 7th May, 2024.

Appearance:
Mr. Sagnik Basu, Adv.
Ms. N. Bahal, Adv.
Mr. S. Dey, Adv.

Mr. Diptomoy Talukder, Adv.
Ms. C. Chatterjee, Adv.

The Court: This is an application under Section 11 of the Arbitration and Conciliation Act, 1996. The dispute between the parties arises out of an erection purchase order dated 22nd February, 2023.

Clause 19 of the agreement provides as follows:

“ARBITRATION: In the event of any differences or dispute arising out of or in connection with this purchase order, the same shall be amicably settled by mutual dialogue. If the parties fail to settle their differences or dispute arising out of or in connection with this work order (including interpretation of the terms thereof), the same shall be referred to arbitration. The Arbitration proceedings shall be conducted by a single Arbitrator appointed by the Company Secretary of Soil and Enviro Industries Pvt. Ltd. And the award/decision of such arbitrator shall be final and binding upon the parties. The venue of the arbitration shall be Kolkata. However, the work shall not stop during the pendency of the proceedings and it shall be insured that such work is proceeded uninterruptedly.”

It is submitted on behalf of the petitioner that pursuant to the aforesaid agreement, disputes and differences have arising between the parties, the same be referred in terms of the aforesaid clause.

On behalf of the respondent, it is contended that the disputes be referred to arbitration in terms of the aforesaid clause.

In view of the live disputes, covered under the arbitration clause in terms of the agreement and by consent of the parties, AP/76/2024 stands disposed of by appointing Hon'ble Mr. Justice Prosenjit Mondal (Retired), to act as the 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 10 days from the date of passing of this order.

(RAVI KRISHAN KAPUR, J.)