

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

AP-COM/562/2024

SRI BIJOY GHOSH AND ORS
VS
M/S B.D. CONSTRUCTION

With

AP/42/2020

M/S. B D CONSTRUCTION
VS
SRI BIJOY GHOSH AND ORS

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 15th May, 2024.

Appearance:
Mr. Soumabho Ghose, Adv.
Ms. T. Bhattacharya, Adv.
Mr. D. Chowdhury, Adv.
Mr. A. Saha, Adv.

Mr. Siddhartha Chatterjee, Adv.

The Court: By consent of the parties, both the applications are taken up for hearing.

AP-COM/562/2024 is an application under Section 14 of the Arbitration and Conciliation Act, 1996 seeking a declaration that the mandate of the Arbitrator has terminated.

AP/42/2020 is an application under Section 29A of the Act, inter alia, seeking extension of the mandate of the arbitral tribunal. By an order dated 27th September, 2016, a Coordinate bench was pleased to appoint a Sole Arbitrator in terms of the arbitration clause.

The disputes and differences between the parties arise out of an agreement for development dated 31st January, 2011. It is submitted that both the parties are agreeable to a substitute Arbitrator being appointed in place and stead of the Arbitrator appointed in terms of the order dated 27th September, 2016.

Pursuant to the order dated 27 September, 2016, the Arbitrator had held several sittings and the examination of the claimant's witness was in progress.

By consent of the parties, both these applications i.e., AP-COM/562/2024 and AP/42/2020 stands disposed of by terminating the mandate of the Arbitrator appointed in terms of the order dated 27th September, 2016 an appointing a substitute Arbitrator Hon'ble Justice Samapti Chatterjee (Retired) subject to the Learned Arbitrator communicating her consent to the Registrar, Original Side of this Court within three weeks from date. The Advocate on Record of the petitioner shall forthwith communicate this order to the Learned Arbitrator within 10 days from the date of passing of this order.

It is clarified, the substitute Arbitrator is to carry on the proceedings from the stage already reached and on the basis of the materials on record.

With the aforesaid directions, both these applications stands disposed of.

The Arbitrator is requested to conclude the proceedings expeditiously and preferably within a period of one year from the date of this order.

(RAVI KRISHAN KAPUR, J.)

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