

ORDER SHEET

AP-COM/589/2024

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

M/s Manobina Enterprise India Pvt Ltd
VS
M/s Associated Toolings India Pvt Ltd

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 28th June, 2024.

Appearance:

Mr. V. Shastri, Adv.

Mr. A. Alim, Adv.

Ms. Pronita Ghose, Adv.

Ms. Pooja Sah, Adv.

..for the petitioner

The Court: Affidavit of service filed today be kept on record.

Despite two attempts to serve, which is borne out by the affidavit of service, and despite good service, none appears for the respondent at the time of call. Accordingly, the matter is taken up for hearing ex parte.

Upon hearing learned counsel for the petitioner, this Court is sufficiently satisfied that the dispute between the petitioner, who is a commission agent of the respondent, and the respondent with regard to payment of commission falls squarely within the arbitration clause in the agreement between the parties i.e., Article 8 which contemplates any controversy, claims or disputes arising out of dealings in respect of the agreement which cannot be settled amicably.

As the dispute is otherwise arbitrable and there is no ex facie bar of limitation, there is no impediment in appointment of an Arbitrator.

Accordingly, AP-COM/589/2024 is allowed, thereby appointing Ms. Shrishti Burman Roy (Mobile No. 9874231848), a learned member of the Bar Library Club as the sole Arbitrator to resolve the dispute between the parties, subject to a declaration being obtained from the said learned Arbitrator in terms of Section 12 of the Arbitration and Conciliation Act, 1996. The remuneration of the learned Arbitrator shall be decided by the Arbitrator within the framework of the Arbitration and Conciliation Act, 1996, read with its Schedules.

Insofar as the prayer of the petitioner for the arbitration to be conducted under the fast track procedure envisaged in Section 29B of the Arbitration and Conciliation Act, 1996 is concerned, it is left open to the petitioner to make such prayer before the learned Arbitrator when the matter is taken up for arbitration.

(SABYASACHI BHATTACHARYYA, J.)