

IN THE HIGH COURT AT CALCUTTA  
Ordinary Original Civil Jurisdiction  
ORIGINAL SIDE  
[Commercial Division]

AP-COM/601/2024  
SREI EQUIPMENT FINANCE LIMITED  
VS  
C AND C TOLLS LTD AND ORS

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 3<sup>rd</sup> September, 2024

*Appearance:*  
*Mr. Swatarup Banerjee, Adv.*  
*Mr. Shaunak Ghosh, Adv.*  
*Mr. Sariful Haque, Adv.*  
*Mr. Rajib Mullick, Adv.*  
*Mr. Biswaroop Ghosh, Adv.*  
*...for petitioner.*

The Court:- Despite service, none appears for the respondents.

The dispute sought to be raised by the petitioner is covered by clause 9.11 of the agreement between the parties, which is the arbitration clause. The petitioner issued a demand notice dated June 27<sup>th</sup>, 2023 which having not met with any response, a notice under Section 21 of the Arbitration and Conciliation Act, 1996 was issued on September 7, 2023. Thirty days have elapsed after the receipt of the said notice by the respondents.

Accordingly, the matter is required to be referred to arbitration.

Hence, AP-COM/601/2024 is allowed, thereby appointing Justice Taufique Uddin (retired) as the sole Arbitrator to resolve the dispute between the parties, subject to a declaration being obtained under Section 12 of the Arbitration and Conciliation Act, 1996 from the said learned Arbitrator. The learned Arbitrator shall fix his own remuneration in consultation with the parties within the ambit of the 1996 Act and its Fourth Schedule.

(SABYASACHI BHATTACHARYYA, J.)