

ORDER SHEET

AP-COM/606/2024

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

M/S PANCHDEEP CONSTRUCTIONS LIMITED
VS
SOUTH DUM DUM MUNICIPALITY AND ANR

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 3rd July, 2024.

Appearance:

Mr. Rajarshi Dutta, Adv.

Mr. Swarajit Dey, Adv.

Mr. Ranadeep Dutta, Adv.

Mr. Subhajit Ghosh, Adv.

..for the petitioner

Mr. Amales Ray, Adv.

Ms. Mousumi Bhowal, Adv.

...for the respondent no.1

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

Despite service, the respondent no.2 does not appear, although the first respondent is represented through counsel.

Upon hearing learned counsel for the parties, it transpires that the matter went to the MSME Council under the Micro, Small and Medium Enterprises Development Act, 2006 initially. After conciliation failed, the matter was sought to be taken up for arbitration at which juncture the MSME Council found that the same fell outside the pale of the said statute.

Accordingly, the petitioner issued a notice under Section 21 of the Arbitration and Conciliation Act, 1996, thereby invoking Clause 24 which is the arbitration clause in the agreement between the parties. The parties having failed to arrive at a consensus regarding the appointment of Arbitrator, the present application has been filed.

I find from the arbitration clause that the same fully covers the dispute raised between the parties and the matter is in principle arbitrable otherwise.

Accordingly, AP-COM/606/2024 is allowed, thereby appointing Ms. Anuradha Poddar, a member of the Bar Association, as the sole Arbitrator to resolve the dispute between the parties, subject to a disclosure 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.

(SABYASACHI BHATTACHARYYA, J.)