

OCD-12

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

AP-COM/656/2024

MAHENDRA SHIVLAL GANDHI AND ANR
VS
TUSHAR JAWAHARLAL GANDHI AND ORS

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 9th July, 2024

Appearance:
Mr. Jaydip Kar, Sr. Adv.
Mr. S. Ghosh, Adv.
...for the petitioners

Mr. Soumava Mukherjee, Adv.
...for the respondent nos. 1 and 2

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

The present application is substantially under Section 15 of the Arbitration and Conciliation Act, 1996, coming within the ambit of Section 15(1)(a) of the said Act. In the present case, due to specific reasons, the erstwhile Arbitrator has withdrawn from office.

Upon hearing learned counsel for the parties, it transpires that it is a fit case where in terms of Section 15, the mandate of the erstwhile Arbitrator should be terminated and a substituted Arbitrator appointed.

Accordingly, AP-COM/656/2024 is allowed, thereby terminating the mandate of the erstwhile Arbitrator, Justice Rabindranath Samanta (retired) and appointing Justice Aloke Chakraborty (retired) as the new sole Arbitrator to resolve the dispute between the parties, subject to obtaining a disclosure from the learned new Arbitrator under Section 12 of the 1996 Act.

The newly appointed Arbitrator shall fix his own remuneration in consonance with the provisions of the 1996 Act and its Schedules and carry forward the arbitral proceeding from the stage where it was left by the erstwhile learned Arbitrator.

(SABYASACHI BHATTACHARYYA, J.)