

OCD-24

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

AP-COM/666/2024

SANDVIK MINING AND ROCK TECHNOLOGY INDIA PVT LTD
VS
R S ROCK SAND

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 4th September, 2024

Appearance:
Mr. Shaunak Kothekar, Adv.
...for the petitioner

Mr. Amit Kumar Pan, Adv.
Mr. Shubrojoyoti Mookherjee, Adv.
...for the respondent

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

Heard learned counsel for the parties.

In view of no affidavits being directed, it is deemed that none of the allegations made in the present application are admitted by the respondent.

It transpires from Clause 12 and its sub-clauses of the agreement between the parties that the parties had agreed to refer the disputes arising from the said agreement to arbitration. The dispute which has now been raised also is otherwise arbitrable in principle. The petitioner duly issued a notice under Section 21 of the 1996 Act to the respondent, which was replied to by the respondent, the objection being primarily on the choice of arbitrator.

Accordingly, AP-Com/666/2024 is allowed thereby appointing Justice Ranjit Kumar Bag (retired) as the sole Arbitrator to resolve the dispute between the parties, subject to a declaration being obtained from the said learned Arbitrator under Section 12 of the Arbitration and Conciliation Act, 1996. The learned Arbitrator shall fix his own remuneration in consultation with the parties and within the framework of the 1996 Act and its Fourth Schedule.

(SABYASACHI BHATTACHARYYA, J.)

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