

OCD -7

ORDER SHEET

AP-COM/676/2024

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION
ORIGINAL SIDE

KARUR VYSYA BANK

VS

SREI EQUIPMENT FINANCE LTD

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 4th November, 2024.

Appearance:

Ms. Sweta Gandhi, Adv.

.... for the petitioner

Mr. Swatarup Banerjee, Adv.

Mr. RajibMullick, Adv.

Mr. SarijulHaque, Adv.

Ms. ShambhalliJha, Adv.

...for the respondent

The Court: This is an application under Section 11 of the Arbitration and Conciliation Act, 1996. The petitioner refers to the arbitration clause, being clause 8.3 of the agreement for assignment. The parties agree that the clause provided for reference of dispute to arbitration. The parties agree and submit that the agreement for assignment and the designated agreement are intrinsically connected. This Court is of the view that a composite order for appointment of an arbitrator, to arbitrate the dispute arising out of the said agreements can be passed. The Court appoints Hon'ble Justice Indira Banerjee, former Judge of the Supreme Court of India, as an arbitrator, subject to the compliance of Section 12 of the Arbitration and Conciliation Act, 1996.

The remuneration will be fixed by the learned Arbitrator as per the provision of the Arbitration and Conciliation Act. The factual disputes with regard to the claim can be raised by the respondent before the learned Arbitrator.

AP-COM 676 of 2024 is accordingly disposed of.

All parties are to act on the basis of server copy of this order.

(SHAMPA SARKAR, J.)

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