

ORDER SHEET

AP/142/2024

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

NILIMA VINIMAY PRIVATE LIMITED
VS
PRIYANKA RESIDENCY PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date: 2nd September, 2024.

Appearance:

Mr. Syed Nurul Arefin, Adv.

Mr. Rahul Singh, Adv.

..for the petitioner

Mr. Rajesh Upadhyay, Adv.

Mr. Shoham Sanyal, Adv.

..for the respondent

The Court: Heard learned counsel for the parties.

The dispute sought to be raised by the petitioner stems from a development agreement, clause 19.1 of which contains a provision for reference to arbitration.

Since the dispute is also otherwise arbitrable, and as the notice for appointment of an Arbitrator met with disagreement from the respondent as well as in view of a previous order under Section 9 of the Arbitration and Conciliation Act, 1996 having been passed, which leaves no manner of doubt

that there is existence of an arbitration clause, there cannot be any impediment in appointing an Arbitrator.

Accordingly, AP/142/2024 is allowed, thereby appointing Mr. Suman Kumar Dutt, Advocate as the sole Arbitrator to resolve the disputes between the parties, subject to a declaration being obtained under Section 12 of the 1996 Act from the said learned Arbitrator. The learned Arbitrator shall fix his own remuneration in consultation with the parties and within the ambit of the 1996 Act and the Fourth Schedule thereof.

(SABYASACHI BHATTACHARYYA, J.)