

ODC-14

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
[Commercial Division]

AP-COM/725/2024

JAI BALAJI INDUSTRIES LIMITED
VS
MS BABLI KHATUN

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 21st August, 2024

Appearance:
Mr. Shashwat Nayak, Adv.
Mr. Anirudhya Dutta, Adv.
...for petitioner.

The Court:- Affidavit of service filed today be kept on record. Despite service, none appears for the respondent. On a perusal of the Channel Partner Agreement dated December 18th, 2021 between the parties, it is found that in clause 4(m) thereof, it is contemplated that in case of any dispute between the parties, the same shall be referred to arbitration. Although the Arbitrator is named by designation in the said clause, in view of the said person being an employee of the petitioner, the petitioner has rightly sought to invoke the arbitration clause and upon the same, having failed to elicit any response/consent from the respondent, has preferred the present application under Section 11 of the Arbitration and Conciliation Act, 1996.

As the dispute raised by the petitioner comes within the ambit of the arbitration clause in the agreement between the parties and is otherwise arbitrable in law, there cannot be any bar in referring the matter to arbitration.

Accordingly, AP-COM/725/2024 is allowed, thereby appointing Justice Alok Chakraborty (retired) to be the sole Arbitrator to resolve the dispute between the parties, subject to a declaration being obtained under Section 12 of the Arbitration and Conciliation Act, 1996 from the said learned Arbitrator. The learned Arbitrator shall fix his own remuneration in consultation with the parties within the ambit of the 1996 Act and its Fourth Schedule.

(SABYASACHI BHATTACHARYYA, J.)

SK.