

AP-COM/730/2024

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE
(Commercial Division)

MINTA RAM NAWIK

-VERSUS-

SREYA DUTTA

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 9th December, 2024

Appearance:

Mr. Souradeep Banerjee, Adv.

...for the Petitioner.

The Court: Despite service none appears on behalf of the respondent.

On the last occasion i.e., on 5th November, 2024 this Court had directed to serve the cause papers upon the respondent by registered post, e-mail, Whatsapp etc. Today, an affidavit of service has been filed which indicates that the respondent was served by e-mail, whatsapp and speed post. The envelope containing the endorsement 'left' has returned, which is taken on record.

The said envelope was sent to the address of the respondent which is mentioned in the deed of lease i.e., the last known address of the respondent. Clause 9 of the deed of lease further provides that the parties agreed that all notices should be served at the address of the lessee mentioned under the said clause. The mobile number and whatsapp and also e-mail i.d. has been mentioned therein for communication.

There is no doubt that the postal articles which contains the copies of the application and the order of this Court passed on the earlier occasion, was sought to be served at the last known address of the respondent and also sent via e-mail, whatsapp. The respondent is a lessee of the petitioner/landlord. She is allegedly in occupation of the leased out premises. Thus, this Court is of the view that Section 3 of the Arbitration and Conciliation Act, 1996 has been complied with and service in terms of Order V Rule 9 of the Code of Civil Procedure and through electronic means, has been effected.

In view of the existence of the arbitration clause, being clause 17 of the deed of lease, this Court appoints Mr. Shounak Mukhopadhyay, Advocate (Mob.:8981772268) as sole Arbitrator to arbitrate the disputes between the parties. The appointment is subject to compliance of Section 12 of the Act of 1996. The learned Arbitrator shall be at liberty to fix his remuneration in the reference as per the schedule of the said Act of 1996.

Accordingly, AP-COM/730/2024 is disposed of.

The petitioner will communicate this order to the respondent at the shop-room/leased out premises and by e-mail and whatsapp. The respondent will be at liberty to raise all points before the learned Arbitrator.

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

(SHAMPA SARKAR, J.)