

OD-23

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

AP/151/2024

SUBHANKAR PAL
VS
M/S PARTHA DAS

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 5th November, 2024

Appearance:
Mr. Supratick Syamal, Adv.
Mr. S. Dutta, Adv.

The Court:- Liberty is granted to the learned Advocate-on-Record for the respondent to file his Vakalatnama within the course of the week.

This is an application under Section 15 of the Arbitration and Conciliation Act, 1996. The contention of the petitioner is that the mandate of the learned Arbitrator terminated with his demise. Thus, this application has been filed for appointment of a substitute Arbitrator. The learned Arbitrator was appointed by an order dated April 10, 2024. He expired before he could commence arbitration. It appears that the earlier Arbitrator, a retired District Justice also expired at the stage of evidence.

This is a fit case for entertaining the application under Section 15 and passing a necessary order.

In such circumstances, the Court appoints Mr. Debasish Roy, learned Advocate, Bar Association, Room No. 2 as the Arbitrator to arbitrate the

disputes. All points raised by the parties shall be raised before the learned Arbitrator. This order is subject to compliance of Section 12 of the Arbitration and Conciliation Act, 1996, by the learned Arbitrator. The learned Arbitrator shall fix his own remuneration as per the provisions of the Arbitration and Conciliation Act.

Parties at liberty to approach the secretariat and/or the staff of the erstwhile first learned Arbitrator before whom all the records are allegedly lying so that the same may be handed over to the parties and be produced before the newly appointed Arbitrator. It is needless to mention that the arbitration will commence from the stage it was last held.

AP-COM/151/2024 is, accordingly, disposed of.

(SHAMPA SARKAR, J.)