

ORDER SHEET

AP-COM/745/2024

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
(Commercial Division)

PRANAB DAS AND ANR.
VS
JAYA KUNDU AND ANR.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 9th September, 2024.

Appearance:

Mr. Rabindra Kumar Mitra, Adv.

Mr. Sourjya Das, Adv.

Ms. Poulami Bhowmick, Adv.

...for the petitioner

The Court: The affidavit of service and the supplementary affidavit filed in Court today be kept on record.

It transpires that in the interregnum, the erstwhile Arbitrator has withdrawn from the arbitral proceeding between the parties, which is reflected in an order dated August 19, 2024 passed by the learned Arbitrator, as annexed to the supplementary affidavit.

Hence, since the mandate of the Arbitrator has terminated under Section 15(1)(a) due to the withdrawal of the learned Arbitrator from office, appointment of a new Arbitrator is necessitated.

Accordingly, AP-COM/745/2024 is allowed, thereby appointing Mr. Jishnu Chowdhury, learned Advocate, as the sole Arbitrator to resolve the disputes between the parties in place of the erstwhile learned Arbitrator. The

above order shall be subject to a declaration being obtained under Section 12 of the Arbitration and Conciliation Act, 1996 from the newly appointed Arbitrator.

The newly appointed Arbitrator shall fix his own remuneration within the ambit of the 1996 Act and its Fourth Schedule.

(SABYASACHI BHATTACHARYYA, J.)

bp/R.Bhar