

OCD-4

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

AP-COM/757/2024

SREI EQUIPMENT FINANCE LIMITED
VS
ANUJ KUMAR TIWARI AND ANR

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 9th December, 2024

Appearance:
Mr. Swatarup Banerjee, Adv.
Mr. Sariful Haque, Adv.
Mr. Rajib Mullick, Adv.
Ms. Sonia Mukherjee, Adv.
...for the petitioner

Mr. Shaunak Mukhopadhyay, Adv.
Mr. Dhiraj Kr. Gupta, Adv.
Mr. Swarup Sahu, Adv.
...for the respondent no. 1

The Court:- Affidavit of service is taken on record.

Despite service, none appears on behalf of the respondent no. 2. Respondent no. 1 is represented by learned Advocate. Respondent no. 1 is the borrower and the respondent no. 2 is the guarantor.

The matter is taken up in the absence of respondent no. 2. The petitioner will serve a copy of the order upon the respondent no. 2.

This Court finds that the two earlier learned Arbitrators recused. Accordingly, the petitioner prays for an appointment of another Arbitrator, upon

having issued a fresh notice under Section 21 of the Act as per liberty granted by the learned Judge.

The Court appoints Mr. Ratul Biswas, learned Advocate as the sole Arbitrator to arbitrate upon the disputes between the parties. 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 schedule of the Arbitration and Conciliation Act.

The application is disposed of keeping all points that may be legally available to the parties open and to be raised before the learned Arbitrator.

Accordingly, AP/757/2024 is disposed of.

(SHAMPA SARKAR, J.)