

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

AP-COM/764/2024

Tata Capital Limited
VS
INDIAN MEDICINE CENTRE AND ORS

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 9th December, 2024

Appearance:
Mr. Amritam Mandal, Adv.
Mr. Abir Das, Adv.
Ms. Shipra Naskar, Adv.
...for the plaintiff

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

Supplementary affidavit filed in Court is also taken on record. The Supplementary affidavit and the main application were served once again by email upon the respondents. It appears that the respondents were served with a copy of the application and the copy of the earlier order of this Court, via email. Service by electronic media is also an accepted mode of service. Despite such service, none appears on behalf of the respondents. This Court takes up the matter and passes order in the absence of the respondents.

Disputes had arisen and the petitioner had made an unilateral appointment of an Arbitrator. Consequent thereupon, the respondents raised objection by citing the decision of the Hon'ble Apex Court in the matter of "India

in Perkins Eastman Architects DPC & Anr. VS. HSCC (India) Ltd. 2019 SCC Online SC 1517”.

The learned Arbitrator thereafter resigned.

Under such circumstances, this Court is of the view that a fresh notice under Section 21 of the Arbitration and Conciliation Act, 1996 should be issued to the respondent in accordance with law and thereafter the petitioner may take steps in accordance with law. The said notice was issued asking the respondents to agree to an Arbitrator from the list supplied by this petitioner.

Accordingly, AP-COM/764/2024 is disposed of.

(SHAMPA SARKAR, J.)