

ORDER SHEET

AP-COM/784/2024

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

KERALA STATE ELECTRONICS DEVELOPMENT
CORPORATION LIMITED AND ANR.
VS
ASANSOL MUNICIPAL CORPORATION

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA
Date : 3rd September, 2024.

Appearance:

Mr. Kushal Chatterjee, Adv.
Mr. Subhasish Mitra, Adv.
Mr. Shibjit Mitra, Adv.
Ms. Labony Roy, Adv.
...for the petitioners

The Court: Affidavit of service filed in Court today be kept on record.

Despite service, none appears for the respondent.

The dispute arises out of an agreement pertaining to digitization of the respondent by the petitioner as a contractor. The claim pertains to alleged outstanding dues from the respondent to the petitioner for such work.

The dispute comes squarely within the arbitration clause i.e., Clause A-7 of the agreement between the parties. As it appears from the annexures to the present application, the petitioner duly raised a written demand and thereafter invoked the arbitration clause by issuance of a notice under Section 21 of the Arbitration and Conciliation Act, 1996.

Since the subject-matter of dispute is otherwise arbitrable, AP-COM/784/2024 is allowed, thereby appointing Mr. Debabrata Saha Roy (Mobile No. 9830031712), an Advocate of this Court, as the sole Arbitrator to resolve the disputes between the parties subject to a declaration under Section 12 of the 1996 Act being obtained from the said learned Arbitrator.

The learned Arbitrator shall fix his own remuneration in consultation with the parties and within the framework of the 1996 Act, in particular the Fourth Schedule thereof.

All issues are left open to be decided on merits by the learned Arbitrator.

(SABYASACHI BHATTACHARYYA, J.)

bp/R.Bhar