

OD-3

ORDER SHEET
AP/176/2024
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

DILIP HALDER AND ORS.
VS
BALAJI CONSTRUCTION AND ORS.

BEFORE:
The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA
Date: 25th September, 2024.

Appearance:
Mr. Sanjay Mukherjee, Adv.
Mr. Dhananjay Nayak, Adv.
Ms. Rituparna Ghosh, Adv.
Mr. Sourav Sardar, Adv.
...for the petitioner

The Court: Despite substantial service on three of the respondents, who represent the estate of the unserved respondent, as the parties are a partnership firm and its partners, which is borne out by the papers and the affidavit of service which is filed today and kept on record, none appears for the respondents at time of call. Accordingly, the matter is taken up out of turn.

It is evident from the documents annexed to the present application that the erstwhile Arbitrator previously appointed has recused from the arbitral proceeding between the parties by an email dated September 1, 2024, necessitating the present application under Section 15. In view of such recusal, it has become necessary to appoint a substituted Arbitrator.

A perusal of the arbitration clause between the parties shows that there were no special rules for such appointment otherwise in accordance with law.

Accordingly, AP/176/2024 is allowed, thereby substituting the erstwhile Arbitrator and appointing Mr. Rupak Ghosh, a member of the Bar Library Club, as the substituted Arbitrator. It is left to the discretion of the learned substituted Arbitrator as to from what stage of the proceeding he would carry the matter forward. The remuneration of the newly appointed Arbitrator shall be fixed by him within the framework of the 1996 Act read with its Fourth Schedule. The above appointment shall be subject to a declaration under Section 12 of the 1996 Act being obtained from the newly appointed Arbitrator.

(SABYASACHI BHATTACHARYYA, J.)