

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
(COMMERCIAL DIVISION)

AP-COM/846/2024

SHARMISTHA CHAUDHURI
VS
NOVUS IMPEX PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 24th September, 2024.

Appearance:

Mr. Reetobroto Mitra, Adv.
Mr. Debdut Mukherjee, Adv.
Mr. Gaurab Kumar Das, Adv.
Mr. Nikunj Berlia, Adv.
Mr. Mosarat Reyaz, Adv.
...for the petitioner.

Mr. Manas Dasgupta, Adv.
...for the respondent.

The Court: Although the present application has been captioned as one under Sections 14 and 15 of the Arbitration & Conciliation Act, 1996, the tenor of the same indicates that the same is substantially under Section 29A of the 1996 Act.

It is submitted by learned counsel for the parties that inordinate delay is being occasioned in conduct of the arbitral proceedings.

It is also submitted that the mandate of the learned Arbitrator shall terminate on October 9, 2024, when the period of twelve months after the pleadings, as stipulated under Section 29A (1) is about to expire.

It transpires from the list of dates furnished with the application, which is not disputed by the respondent, that there is substance in the contention of the parties.

In such view of the matter, the learned Arbitrator is required to be substituted. Upon query of Court, learned counsel for the parties agree upon the name of Mr. Rupak Ghosh as the substituted Arbitrator.

Accordingly, AP-COM/846/2024 is allowed, thereby substituting Mr. Rupak Ghosh, a member of the Bar Library Club, as the Arbitrator in place and stead of the erstwhile Arbitrator to complete the proceedings from the stage where it has till date reached. The mandate of the Arbitrator is extended for a period of eight months from October 9, 2024. The remuneration of the substituted Arbitrator shall be fixed by him in consultation with the parties within the framework of the 1996 Act and its Fourth Schedule.

Since learned counsel for the respondent submits that there is a chance of settlement between the parties, nothing in this order shall prevent the parties to amicably settle the matter and move the Arbitrator for an appropriate award on the strength of such settlement.

The outgoing Arbitrator shall forward copies of all the minutes of the arbitral reference as well as the orders pronounced in the arbitral sittings, along with other papers which are lying with the erstwhile Arbitrator, to the newly substituted Arbitrator, preferably within a fortnight from the date of communication of this order to the erstwhile Arbitrator.

(SABYASACHI BHATTACHARYYA, J.)