

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

AP-COM/849/2024

Tata Capital Limited  
VS  
Piyush Agarwal

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 9<sup>th</sup> December, 2024

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

*Mr. Shantanu Mishra, Adv.*  
*...for the respondent*

The Court:- Learned Advocate for the respondent is represented and submits that the application under Section 21 of the Arbitration and Conciliation Act, 1996 cannot be accepted as due compliance of law.

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 and thereafter the petitioner may take steps in accordance with law. The said notice was issued asking the respondent to agree to an Arbitrator from the list supplied by the petitioner.

Accordingly, AP-COM/849/2024 is disposed of.

(SHAMPA SARKAR, J.)

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