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AP/178/2024
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

SHIVAM ENTERPRISES
VERSUS
MISS SUDAKSHINA DAS

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 09th December, 2024.

Appearance:

Mr. Supratim Dhar, Adv.

Mr. Dhananjay Nayak, Adv.

Ms. Tanushree Mukherjee, Adv.

. . .for the petitioner.

The Court: Affidavit of service is taken on record.

The respondent has refused service. Refusal is good service. Hence, the matter is taken up in the absence of the respondent.

This is an application under Section 11 of the Arbitration and Conciliation Act, 1996. The petitioner prays for appointment of an Arbitrator in terms of Clause (w) of Article IV (developers obligation) of the development agreement. The development agreement was entered into between the parties on August 19, 2021. The disputes and differences cropped up with regard to handing over the land. The notice under Section 21 of the Arbitration and Conciliation Act, 1996 was issued on August 2, 2024.

Considering the nature of the Arbitration Clause and the notice, this application is disposed of by appointing an Arbitrator to arbitrate the dispute between the parties, that is, between the Developer and the land owner.

Under such circumstances, the Court appoints Mr. Kushal Chatterjee, learned Advocate as the sole Arbitrator, to arbitrate the dispute. This order is subject to compliance of Section 12 of the Arbitration and Conciliation Act, 1996.

The learned Arbitrator shall fix his own remuneration as per the provisions of the Arbitration and Conciliation Act.

All parties can raise their issues before the learned Arbitrator. The merits of the claim have not been adjudicated.

AP/178/2024 is, accordingly, disposed of.

(SHAMPA SARKAR, J.)

Sp/