

OCD 2

ORDER SHEET

AP-COM/862/2024

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

GAURAV WORLDWIDE TRADING PVT. LTD.
VS
THE WEST BENGAL SMALL INDUSTRIES
DEVELOPMENT CORPORATION LTD.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 7th November, 2024.

Appearance:
Mr. Sagnik Basu, Adv.
Mr. Soupayan Sinha Roy, Adv.
...for the petitioner

Mr. Debabrata Banerjee, Adv.
Mr. Mahendra Prasad Gupta, Adv.
Mr. Hemanta Kumar Das, Adv.
Ms. Poushali Das, Adv.
...for the respondent

The Court: This is an application under Section 11 of the Arbitration and Conciliation Act, 1996. The petitioner has placed Clause 17 of the agreement, which contains the arbitration clause. The petitioner has referred to the notice under Section 21 of the said Act. The petitioner submits that the named Arbitrator is disqualified under the provisions of Section 12 read with the Fifth and Seventh Schedule of the said Act.

Learned advocate for the respondent has raised various objections with regard to the arbitrability as also with regard to the disputes raised. According to the learned advocate, the disputes are no longer germane. The petitioner does not have any arbitrable claim. Be that as it may, the objections raised by the petitioner can be raised before the learned Arbitrator and all points are left open to be decided by the learned Arbitrator.

In such circumstances, the Court appoints Mr. Abhijit Chatterjee, learned Senior Advocate (Mob. No.9831023558), Bar Library Club, as the Arbitrator to arbitrate the disputes. 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.

AP-COM/862/2024 is, accordingly, disposed of.

(SHAMPA SARKAR, J.)