

OCD 4

ORDER SHEET
AP-COM/866/2024
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

M/S SEVEN DESIGNS AND ANR.
VS
TRIPTI INFRASTRUCTURE PRIVATE LIMITED

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 23rd December, 2024.

Appearance:
Mr. Tanish Ganeriwala, Adv.
Mr. Shiv Ratan Kakrania, Adv.
Mr. Karanjeet Sharma, Adv.
Ms. Shreya Goenka, Adv.
Ms. Jiya Bose, Adv.
...for the petitioner

Mr. Debdut Mukherjee, Adv.
Ms. Joyshree Ghosh, Adv.
...for the respondent

The Court: This is an application under Section 11 of the Arbitration and Conciliation Act, 1996. The petitioner prays for an appointment of an Arbitrator on the basis of Article 31 of the Franchise Agreement. The petitioner points out to the Defect Cure Notice and submits that, even after expiry of thirty days from issuance of the said notice, the respondent failed to take steps. Accordingly, notice invoking arbitration was issued. The respondent denied the allegation and stated in its reply that the question of reference to arbitration did not arise as the allegations were baseless.

I find that the dispute is alive and the respondent also submits that it has a claim for damages against the petitioner.

Considering the above, this Court appoints Mr. Amitesh Banerjee, learned Senior Advocate, as the Arbitrator, to arbitrate upon the disputes. The objection raised by the respondent is left open to be urged before the learned Arbitrator. This appointment 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 Schedule of the Act.

AP-COM/866/2024 is, accordingly, disposed of.

(SHAMPA SARKAR, J.)