

OCD-5

ORDER SHEET
AP-COM/871/2024
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION
ORIGINAL SIDE

M/S GO AHEAD INFRA PRIVATE LIMITED
VS
NEPL-PMIW (JV) AND ORS

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date : 20th November, 2024.

Appearance:
Mr. Sakya Sen, Adv.
Mr. Amritam Mandal, Adv.
Ms. Swati Agarwal, Adv.
Mr Navlendu Kumar, Adv.
Mr. A. Srivastava, Adv.
Mr. Satrajeet Sen, Adv.
..for the petitioner

Mr. Anirban Kar, Adv.
Mr. Vikalp Gupta, Adv.
Mr. Munshi Ashiq Elahi, Adv.
Ms. Snigdha Das, Adv.
...for the respondent no. 1

The Court: This application has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of a sole Arbitrator. Mr. Kar raises a dispute with regard to the stage. According to Mr. Kar, the parties were first required to settle the dispute amicably.

It appears that the petitioner has already issued a notice for settlement of the dispute amicably. However, the respondent no.1 did not take any step to

settle the dispute. The contract was terminated with further allegations and claims.

Under such circumstances, the Court does not deem it fit to ask the parties to waste further time over such attempted and failed amicable settlement. The Arbitration clause is in existence. The notice invoking arbitrations is also on record. The objections which have been raised by Mr. Kar in course of hearing of the application and on the whole, may be taken before the learned Arbitrator.

Under such circumstances, the Court appoints Mr. Sabyasachi Chowdhury, learned Advocate, (Mob. No.9831034564) as the Arbitrator to arbitrate the dispute between the petitioner and the respondent No.1. This appointment will be 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 schedule of the Arbitration and Conciliation Act.

AP-COM/871/2024 is, accordingly, disposed of.

(SHAMPA SARKAR, J.)

Sp/