

OD 22

ORDER SHEET
AP/492/2022
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

INNOVATORS FACADE SYSTEMS LIMITED
VS
LARSEN TOUBRO LIMITED SHAPOORJI PALLONJI
AND CO LIMITED JOINT VENTURE (UNCORPORATED)

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date: 9th July, 2024.

Appearance:

Ms. Hashnuhana Chakraborty, Adv.

Ms. Neelina Chatterjee, Adv.

Mr. Suvadeep Chakraborty, Adv.

. . .for the respondent.

The Court: None appears for the petitioner at the time of call. Affidavit in opposition filed today be kept on record. Upon query of Court, learned counsel for the respondent submits that in principle, the respondents are not opposed to reference of the matter to an arbitrator. Since there was no amicable resolution of the dispute between the parties as envisaged in the arbitration clause, that is, Clause 26 of the agreement between the parties, it would be a futile exercise to relegate the parties to exhaust such remedy of amicable resolution further before appointing an arbitrator.

In any event, since the plinth of the Arbitration and Conciliation Act, 1996 is the consensus and concurrence of parties to refer disputes to arbitration and as the parties herein do not have any disagreement in principle to the matter

being referred to arbitration, no useful purpose would be served in keeping the matter pending further unnecessarily.

Accordingly, AP 492 of 2022 is allowed, thereby appointing Mr. Jishnu Chowdhury, Advocate, (Mob. No. 9830015791), a member of the Bar Library Club as the sole Arbitrator to resolve the disputes between the parties, subject to obtaining a disclosure under Section 12 of the Arbitration and Conciliation Act, 1996 from the said learned Arbitrator. The sole Arbitrator shall fix his own remuneration within the confines of the Arbitration and Conciliation Act, 1996, read with its Schedules.

(SABYASACHI BHATTACHARYYA, J.)

SP/