

OD-4

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

AP/200/2024

PUSHPA SANEI AND ANOTHER
VS
ASOKA FLAT OWNERS ASSOCIATION

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 20th November, 2024.

Appearance:
Mr. Sourojit Dasgupta, Adv.
Mr. Vishwarup Acharyya, Adv.
...for the petitioner

Mr. Farhan Gaffar, Adv.
Mr. Ankit Chakraborty, Adv.
Mr. Zafar Jilani, Adv.
Ms. Sriya Srivastava, Adv.
...for the respondent

The Court :- The petitioners are members of Asoka Flat Owners' Association. They have invoked arbitration in terms of Clause 52 of the Articles of Association. Association is represented and learned Advocate raises the question as to whether the petitioners who have come before this Court with a prayer for appointment of an Arbitrator in terms of Clause 52 of the Articles, could have done so. It is submitted that the petitioners had executed a deed of gift of the said flat, in favour of their grandson. Thus, a question has been raised whether the grandson should be before this Court or not.

Mr. Dasgupta, learned Advocate for the petitioners submits that the deed of gift has been stayed by a competent civil court. A civil suit is pending with regard

to the same. The arbitration clause provides that any member of the association or its heirs or executors or administrators can invoke arbitration for settlement of disputes. The petitioners continue to be members and their memberships have not been changed by the association in favour of the grandson.

Under such circumstances, this Court deems it fit to appoint an Arbitrator to adjudicate the disputes between the parties.

The Court appoints Mr. Arif Ali, learned Advocate (Mob:9830445942) as the sole Arbitrator to arbitrate the disputes between the parties. All points raised by the parties shall be raised before the learned Arbitrator. This order is subject to compliance of Section 12 of the Arbitration and Conciliation Act, 1996, by the learned Arbitrator. The learned Arbitrator shall fix his own remuneration as per the schedule of the Arbitration and Conciliation Act.

Accordingly, AP/200/2024 is disposed of.

Leave is granted to file the Vakalatnama within the course of the week.

(SHAMPA SARKAR, J.)