

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
(Commercial Division)

AP/601/2023
M/S. INDIA TYRE AND RUBBER COMPANY (INDIA) LIMITED
VS
MILAN TUBE TOOLS CORPORATION AND ANR.

BEFORE:
The Hon'ble JUSTICE RAVI KRISHAN KAPUR
Date : 12th April, 2024.

Appearance:
Mr. Bodhisatta Biswas, Adv.
Ms. Trisha Mukherjee, Adv.
Mr. Raunak Bose, Adv.
...for the petitioner.

Mr. Arindam Banerjee, Adv.
Mr. Avishek Roy Chowdhury, Adv.
Mr. P. Ghose, Adv.
...for the respondents.

The Court: By consent of the parties, the matter is taken up for hearing.

By an order dated 4 September, 2023, a Sole Arbitrator had been appointed in terms of the agreement dated 31 December 2022, subject to the Learned Arbitrator communicating his consent within three weeks from date. Pursuant to the said order, the Arbitrator has expressed an intention not to act as an Arbitrator.

In such circumstances, the matter has been mentioned for appointment of a substitute Arbitrator by the petitioner. Both parties agree that in view of the facts which have transpired subsequent to the order dated 4 September 2023, a

substitute Arbitrator be appointed in terms of Clause 14 of the agreement dated 31 December, 2022. The parties unequivocally consent to such appointment.

In such circumstances, Mr. Sanjib Banerjee, former Chief Justice of the Madras and Meghalaya High Court is appointed as Sole Arbitrator subject to the Learned Arbitrator communicating his consent in the prescribed format to the Registrar, Original Side of this Court within three weeks from the date of communication of this order.

The Advocate of the petitioner shall communicate this order to the Learned Arbitrator forthwith and positively within 10 days from the date of passing of this order.

(RAVI KRISHAN KAPUR, J.)