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ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

AP/201/2024
M/S MAA KALI HARD COKE INDUSTRIES
VS.
M/S A.M. ENTERPRISE AND ORS.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 12th December, 2024.

Appearance:
Mr. Anirban Majumdar, Adv.
Mr. Sayantan Mullick, Adv.
... for the petitioner.

Mr. Niladri Bhattacharjee, Adv.
Mr. Soham Bandyopadhyay, Adv.
Ms. Priyanka Kundu, Adv.
...for the respondent.

The Court : The petitioner prays for appointment of a substitute arbitrator in place of the learned Arbitrator who was appointed by an order dated May 2, 2024. Both the petitioner and the respondents agreed to the appointment of a learned sole Arbitrator before a Co-ordinate Bench on May 2, 2024. The Co-ordinate Bench, on such agreement, appointed a learned Advocate, and member of the Bar Library Club, as the sole arbitrator. Thus, consent of the parties for appointment of a sole arbitrator for adjudication of the dispute between them is available from their conduct, consent and submissions made before the Co-ordinate Bench on the earlier occasion.

Both the parties are before this Court and pray that this Court may appoint a substitute arbitrator. The learned Arbitrator who was engaged allegedly has failed to act and there has been unnecessary and undue delay. The learned Arbitrator did not even enter into the reference and did not take

necessary steps. Parties agree that the mandate terminated as the learned Arbitrator did not act and accordingly this amounts to withdrawal.

Under such circumstances, this Court appoints Mr. Anindya Basu, Mob.9733300151, learned Advocate, Bar Library Club, to arbitrate upon the dispute. The parties will immediately communicate this order to the learned Arbitrator and the learned Arbitrator shall act on the basis of the server copy of the order. The matter is pending since long. The parties submit that the dispute should be resolved within 90 days. The learned Arbitrator is requested to try and complete the proceeding expeditiously. Parties will cooperate with the learned Arbitrator. This order is subject to the compliance of Section 12 of the Arbitration and Conciliation Act, 1996 by the learned Arbitrator.

The learned Arbitrator shall fix his remuneration as per the Schedule of the Act.

As no affidavit-in-opposition has been called for, the allegations against the respondents are denied.

All points are kept open to be urged and decided by the learned Arbitrator.

Leave is granted to correct the description of the application as one under Section 11(6) read with Section 15 of the Arbitration and Conciliation Act, 1996.

This application is disposed of.

(SHAMPA SARKAR, J.)