

ORDER SHEET

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

EC/198/2022

SREI EQUIPMENT FINANCE LTD
-Vs-
DCOM SYSTEMS LTD AND ORS

&

CC/98/2023

SREI EQUIPMENT FINANCE LTD
-Vs-
NITA PRAKASH HINDUJA

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date: May 20, 2024.

Appearance:

Mr. Sariful Haque, Adv.
Mr. Rajib Mullick, Adv.
Ms. Sonia Mukherjee, Adv.
...for the award-holder

Mr. Syed E. Huda, Adv.
Ms. Niharika Singh, Adv.
Ms. Rupal Singh, Adv.
..for the respondent

The Court: This application for enforcement of an award arises out of an arbitration award passed by an Arbitrator who had been unilaterally appointed by a party.

It is fairly submitted by both the parties that in view of the extant position of the law and the decision in *Perkins Eastman Architects DPC v. HSCC (India) Limited* (2020) 20 SCC 760, *TRF Limited v. Energo Engineering Projects Ltd.* (2017) 8 SCC 377 and in *Bharat Broadband Network Ltd. v.*

United Telecoms Ltd. (2019) 5 SCC 755, the impugned award is not sustainable.

Accordingly, EC/198/2022 stands dismissed.

The award dated 22nd September, 2018 also stands set aside.

By consent of the parties, The Hon'ble Mr. Justice Ashok Das Adhikari (Retired) is appointed as Sole Arbitrator in terms of the arbitration agreement dated 28th September, 2015 subject to Arbitrator giving his consent to the Registrar, Original Side within a period of two weeks from the date of communication of this order.

In view of the above, CC/98/2023 also stands dismissed as infructuous.

(RAVI KRISHAN KAPUR, J.)