

OCD-6

AP-COM/1018/2024
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION
ORIGINAL SIDE

TM INTERNATIONAL LOGISTICS LIMITED
VS
UNION OF INDIA

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 17th December, 2024.

Appearance:

Mr. S.N. Mookerjee, Sr. Adv.

Mr. Naman Choudhury, Adv.

Mr. Jaydeb Ghorai, Adv.

Mr. Diptesh Ghorai, Adv.

. . .for the petitioner.

Mr. Siddhartha Lahiri, Adv.

Mr. Sourav Sengupta, Adv.

. . .for the respondents.

The Court: The petitioner prays for appointment of an Arbitrator on the basis of Clause 13.5 of the Long Term Tariff Contract. The petitioner's case is that disputes arose during the execution of the aforementioned service contract and notice invoking arbitration under Section 21 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the said Act) was issued on September 5, 2024. There is a live dispute.

The petitioner suggested the name of a learned senior advocate as its nominee. It was the petitioner's contention that unilateral appointment by the respondent was no longer permissible in law. The respondent did not agree.

Under such circumstances, this Court has been approached by the petitioner for reference of the dispute to arbitration.

The Court appoints Hon'ble Justice Sanjib Banerjee, former Chief Justice of Madras and Meghalaya High Courts as the Arbitrator, to arbitrate upon the dispute between the parties. This order is subject to compliance of Section 12 of the Arbitration and Conciliation Act, 1996.

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

AP-COM/1018/2024 is, accordingly, disposed of.

(SHAMPA SARKAR, J.)

Sp/