

OCD-8

ORDER SHEET

AP/752/2023

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

THE CALCUTTA MEDICAL RESEARCH INSTITUTE
Vs
CITADEL INTERIORS PVT. LTD.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 15th January, 2024.

Appearance:

Mr. Snehashis Sen, Adv.

...for the petitioner

Mr. Subrata Bhattacharjya, Adv.

...for the respondent

The Court: The dispute between the parties arises out of a purchase order issued by the petitioner to the respondent on 30th September, 2022 for renovation of the petitioner's hospital at Kolkata. The dispute is with regard to the respondent disagreeing with the milestone payments to be made by the petitioner to the respondent on account of the work done. The word "milestone" simply means payments to be made upon completion of a specific stage of the work agreed to by the parties. The parties continued to fight over the milestone payment dates and could not resolve this issue.

The petitioner claims, through learned counsel, that the respondent refused to complete the balance work as agreed by the parties despite Rs.1.26 crores being released in favour of the respondent.

The petitioner terminated the purchase order by a letter dated 8th August, 2023 and invoked the arbitration agreement on 29th August, 2023. The respondent replied on 23rd September, 2023 and disagreed with the petitioner's choice of arbitrator. The parties are now before the Court.

Learned counsel appearing for the respondent, on the other hand, submits that there are outstanding payments due from the petitioner to the respondent amounting almost to Rs.12 crores.

It is evident from the material shown to the Court that there are disputes between the parties. The disputes also arise out of the competing claims for payment of further amounts by one party to the other. The disputes are also relatable to the arbitration agreement contained in the purchase order.

AP/752/2023 is allowed and disposed of by appointing Mr. Sudipto Sarkar, Senior Advocate, to act as the 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 date.

The petitioner's advocate-on-record will communicate this order to the learned Arbitrator by 17th January, 2024 along with the requisite details of the contact person of the petitioner.

(MOUSHUMI BHATTACHARYA, J.)