

ORDER SHEET

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

IA NO. GA-COM/2/2024
In CS-COM/5/2023

RATHI BROTHERS
Vs
CYGNET INDUSTRIES LTD AND ORS

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : 6th May, 2024.

Appearance:

Mr. Zeeshan Haque, Adv.
Mr. Brajesh Jha, Adv.
Ms. Megha Datta, Adv.
Mr. Neel Chakraborty, Adv.
...for the petitioner

Mr. Debargha Basu, Adv.
Mr. V.V.V. Sastry, Adv.
...for the defendants.

The Court: Mr. Zeeshan Haque, learned Counsel, is appearing for the petitioner and Mr. Debargha Basu, learned Counsel, is appearing for the defendants.

The defendant has filed the present application being GA-COM/2/2024 praying for referring the matter to the arbitration in terms of Arbitration Clause No. 25 of the purchase order No. 450003549 dated 23rd August, 2020 and purchase order No. 4500035865 dated 10th November, 2020 executed between the plaintiff and the defendants. Clause 25 of the purchase order reads as follows:

“25. In the event of any dispute of difference or claims arising between the parties herein, relating to or arising out of or in connection with the Purchase Order or any amendment thereof and/or terms herein, such dispute shall be resolved by way of arbitration in Kolkata, India by an arbitrator to be appointed by the President of the buyer. The arbitration shall be in accordance with the provisions of “The Arbitration & Conciliation Act, 1996” and/or statutory modification, amendment or replacement thereof. The arbitrator shall not be required to give any reason in support of his award. The venue of arbitration shall be Kolkata, India.”

The said clause is identical in both the purchase order.

Counsel for the plaintiff has not raised objection for appointment of Arbitrator by this Court but raised objection for appointment of the arbitrator by the president of the buyer as mentioned in Clause 25.

Counsel for the plaintiff and the defendant with consent of their respective parties submits that they have no objection if this Court appoints any of the senior advocates of this Court to act as an Arbitrator and to decide the dispute between the parties.

Considered the submission made by the Counsel for the respective parties. The parties have given consent for appointment of arbitrator, this Court appoints Mr. Dhruba Ghosh, learned Senior Advocate, Bar Library Club, Contact No. 9831095116 as Arbitrator to decide the dispute between the parties.

The learned Arbitrator is entitled for his fee in terms of Fourth Schedule of the Arbitration and Conciliation Act, 1996.

GA-COM/2/2024 is disposed of.

Consequently, CS-COM/5/2023 is also disposed of.

(KRISHNA RAO, J.)

Sbghosh