

OCD-6

ORDER SHEET

AP-COM/24/2023

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

M/S. KRISHNA HI TECH INFRASTRUCTURE PVT. LTD.  
VS  
M/S. BENGAL SHELTER HOUSING DEVELOPMENT LTD.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 15<sup>th</sup> January, 2024

Appearance:

*Mr. A. K. Srivastava, Adv.*

*Mr. Prince. Verma, Adv.*

*Mr. Sumit Biswas, Adv.*

*Ms. Rajashree Bhowmick, Adv.*

*...for the petitioner*

*Mr. Siddhartha Chatterjee, Adv.*

*Ms. Jayati Chowdhury, Adv.*

*Ms. Mandobi Chowdhury, Adv.*

*Ms. Priya Malakar, Adv.*

*...for the respondent*

The Court: The dispute between the parties arises out of two agreements dated 14<sup>th</sup> and 20<sup>th</sup> November, 2017. The petitioner was to supply sand and make civil constructions for the respondent in the Rajarhat area.

The dispute is with regard to the unpaid invoices raised by the petitioner. While the petitioner claims an outstanding amount of approximately Rs.1.40 crores, the respondent disputes any such amount or at all.

Both the contracts contain arbitration clauses which are identical in form and purport.

The petitioner invoked the arbitration agreement by way of a notice under Section 21 of the 1996 Act on 25<sup>th</sup> January, 2023. The respondent remained silent and did not reply to the notice.

Upon considering the submissions made by learned counsel appearing for the parties and recognising that there is indeed a dispute which is required to be adjudicated by an Arbitrator, AP-COM/24/2023 is allowed and disposed of by appointing Mr. Soumitra Pal, Counsel 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 shall communicate this order on the learned Arbitrator by 17<sup>th</sup> January, 2024 along with the requisite details of the contact person of the petitioner.

(MOUSHUMI BHATTACHARYA, J.)

sg.