

OCD-19

ORDER SHEET

AP-COM/41/2023

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

ELLENBARRIE INDUSTRIAL GASES LTD.
VS
BALAJI INDUSTRIAL GASES

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 28th February, 2024.

Appearance:

Mr. Ayan Banerjee, Adv.

Mr. Shaunak Ghosh, Adv.

Ms. Ayantika Saha, Adv.

...for the petitioner

Mr. Meghajit Mukherjee, Adv.

...for the respondent

The Court: Although the petitioner seeks interim orders in respect of an arbitration clause in a Rental Agreement dated 27th January, 2011, there is evidently a dispute between the parties as to whether the Agreement came to an end in 2016 or continued as a monthly tenancy thereafter.

The clauses in the Agreement do not specifically say that the Agreement will come to an end after a period of five years. Hence, as also suggested by learned counsel appearing for the parties, this Court deems it fit to appoint an Arbitrator to decide this dispute. The dispute also covers the petitioner's grievance of the respondent blocking the petitioner's ingress and egress from

the concerned premises and for an injunction on the respondent from disturbing the petitioner's peaceful possession of the property.

AP-COM/41/2023 is accordingly allowed and disposed of by appointing Jayanta Sengupta, 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 1st March, 2024 along with the requisite details of the contact person of the petitioner.

The interim order passed by a Co-ordinate Bench on 29th December, 2023 will continue for six weeks or until the parties approach the learned Arbitrator for appropriate orders, whichever is later.

(MOUSHUMI BHATTACHARYA, J.)

sg.