

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

AP/810/2022
M/S. INDERJEET MEHTA CONSTRUCTIONS PRIVATE LIMITED
VS
UNION OF INDIA AND ANR.

BEFORE :
THE HON'BLE JUSTICE SABYASACHI BHATTACHARYYA
Date : 15th July, 2024

Appearance:
Mr. Shounak Mukherjee, Adv.
Ms. Sananda Ganguli, Adv.
...for the petitioner.

Mr. Swatarup Banerjee, Adv.
Mrs. Sarda Sha, Adv.
...for the respondents.

The Court : The present application has been filed for appointment of an Arbitrator in view of lack of consensus between the parties. The matter had been taken up by the Delhi High Court previously, which was of the opinion that it lacked territorial jurisdiction, for which the matter has been filed afresh before this Court.

The respondents do not have any objection in principle to the appointment of an Arbitrator. I find that the dispute between the parties is substantially covered by the arbitration clause and the matter is otherwise arbitrable.

Learned counsel for the respondents, on instruction, suggests the name of Major General. K. Gajria (retd.) as the sole Arbitrator to resolve the dispute. Upon instruction, learned counsel for the petitioner expresses consent to the said name. Accordingly, since certain technical aspects are involved and the

concerned proposed Arbitrator has expertise in the field, it would be appropriate for the ends of justice to appoint the said person as Arbitrator.

Accordingly, AP/810/2022 is allowed, thereby appointing Major General K. Gajria (retd.) as the sole Arbitrator to resolve the dispute between the parties subject to obtaining a declaration under Section 12 of the Arbitration and Conciliation Act, 1996 from the said Arbitrator.

The Arbitrator, in consultation with the parties and in consonance with the provisions of the 1996 Act and Schedule IV thereof, shall fix his remuneration.

It is made clear that since no affidavits have been invited in the matter, it is deemed that none of the allegations made in the application are admitted by the respondents.

(SABYASACHI BHATTACHARYYA, J.)