

02.04.2025
Item no. 60.
Court No.1.
AB

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

A. P. 3 of 2025

**Sri Sankar Ghosh
Vs
Sri Ashok Gupta & Ors.**

Mr. Amares Ray, sr. adv
Mr. Nigam Mittal,
Ms. P. Mitra,
Ms. D. Biswasfor the Petitioner.

Mr. S. K. Majumdar, Sr. Adv,
Mr. S. Duttafor the Opposite Parties.

1. This is an application under Section 11(5) of the Arbitration and Conciliation Act, 1996, for appointment of Arbitrator for resolution of disputes that have arisen between the parties hereto.
2. The petitioner and the opposite party no.2 were partners of a partnership firm by the name of M/s. Priya Medical. The petitioner says that he is the tenant under the opposite party no.1 and his mother, since deceased.
3. The opposite party nos.2 and 3 say that the partnership firm is the tenant under the landlord. In short, this is the dispute which is required to be resolved.
4. The partnership deed contains an Arbitration Clause, which reads as follows:

“19. That in case of any dispute or difference between the partners on any matter of the partnership or respecting any meaning, construction or conditions/stipulations of this deed, each of the parties will appoint arbitrators for adjudication of such dispute or difference and the decision/award of such arbitrators or their umpire shall be final and binding on all the partners. The principals of the Indian Arbitration Act shall be followed for such arbitrations.”

5. Both parties want to go to arbitration. All I need to do is to decide on the personnel of the Arbitrator.
6. In my considered opinion, Mr. Sourav Ganguly, learned Advocate will be a fit person to adjudicate the dispute between the parties. I appoint him as the Arbitrator. The provisions of the Arbitration and Conciliation Act, 1996, including the Schedules thereto, will govern the arbitration as well as the issues pertaining to the remuneration, etc. of the learned Arbitrator.
7. Since no affidavit has been called for, the allegations made in the petition are deemed not to be admitted by the opposite parties.
8. A. P. 3 of 2025 is disposed of.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

