

19.06.2025

Court No.1

Item No.7

pa

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

AP 6 of 2025

**Smt. Bela Agarwal & Ors.
versus
Sri Anup Sarkar & Anr.**

Mr. Amales Ray, Sr.Adv.
Mr. Nigam Mittal,
Mrs. Debashree Biswas

....for the petitioners.

Mr. Amritam Mandal (VC)
Ms. Bedashruti Bose,
Ms. Sarani Brahma Roy

. for the respondents.

Affidavit of service filed in Court today is taken on record.

This is an application under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the said Act').

The existence of the arbitration agreement is not in dispute as the respondents had made an application under Section 8 of the said Act for the disputes in the suit filed by the petitioners referred to arbitration. The revisional application challenging the order passed in the application under Section 8 of the said Act has also been dismissed by this Court. There exists a live disputes between the parties, the claims are also not

long barred claims and appropriate notice under Section 21 of the said Act has also been given.

In the aforesaid facts and circumstances, I appoint Mr. Ajoy Krishna Chatterjee, Senior Advocate, High Court, Calcutta as the learned Arbitrator to enter into reference and adjudicate the disputes and differences between the parties. The learned Arbitrator shall be entitled to the fees in terms of the 4th Schedule of the said Act read in the light of the judgment reported in *(2024) 4 SCC 481 [Oil and Natural Gas Corporation Limited Vs. Afcons Gunanusa JV]*. The learned Arbitrator shall be entitled to clerical and other assistance for which the parties shall equally bear the expenses apart from meeting the remuneration of the learned Arbitrator and other incidental expenses to be shared equally.

AP 6 of 2025 is, accordingly, disposed of.

(Arindam Mukherjee, J.)