

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

AP/3/2025
RUMA BANDOPADHYAY
VS
M L SAHGAL (RESOURCES) AND CO PVT LTD

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date: 26th September, 2025.

Appearance:

Mr. Soham Sanyal, Adv.

Mr. Sumit Biswas, Adv.

..for the petitioner.

Mr. Rohit Banerjee, Adv.

Mr. Arindam Paul, Adv.

Ms. Sohini Choudhury, Adv.

..for the respondent.

The Court:- The present application under section 11 of the Arbitration and Conciliation Act, 1996 arises out of a dispute within the contemplation of an arbitration clause, bearing clause 24(ix), contained in an agreement for leave and license between the parties dated May 19, 2010.

Upon such dispute having arisen, a suit was initially filed by the present petitioner. In the said suit, an application under section 8 of the 1996 Act was taken out by the respondent, which was turned down by the learned Trial Judge. Thereafter, a challenge was preferred before this Court by way of CO/1693/2019. By an order dated November 9, 2022, a learned coordinate Bench of this Court had allowed the said revisional application, thereby allowing the application under section 8 of the 1996 Act filed by the present

respondent. Thus, it is submitted by learned counsel for the petitioner that there cannot be any objection in principle on the part of the respondent to the appointment of arbitrator. Subsequently, notices were given for appointment of an arbitrator by the present petitioner to the respondent, lastly on November 19, 2024.

However, no consensus having been arrived at between the parties regarding the arbitrator to be appointed, the present application under Section 11 was filed on January 9, 2025, that is, beyond the statutory period of 30 days after the request was not conceded to.

It is further submitted by learned counsel for the petitioner that a prior application under Section 11 of the 1996 Act was disposed of in view of there being imminent chance of settlement then between the parties. However, such settlement having not fructified, the present application had to be filed.

Upon hearing learned counsel for the parties and considering the above circumstances, this Court is of the opinion that there cannot be any further impediment in appointing an arbitrator, more so since the respondent himself has sought for reference to arbitration and the dispute among the parties comes within the ambit of the arbitration clause and is otherwise arbitrable.

Accordingly, AP/3/2025 is allowed, thereby appointing Mr. Shaswat Nayak (Mobile No: 8910251490), an Advocate practising in this Court, as the arbitrator to resolve the dispute between the parties, subject to a declaration being furnished by Mr. Nayak within the contemplation of Section 12 of the Arbitration and Conciliation Act, 1996. The remuneration of the arbitrator shall

be fixed by the arbitrator in consultation with the parties within the contemplation of the 1996 Act and the Schedules thereto.

No order as to costs.

(SABYASACHI BHATTACHARYYA, J.)

Arsad