

OCD -9

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/127/2025
PRITHWIJEET SETH
VS
ANINDITA DASGUPTA

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 24th March, 2025.

Appearance:

Mr. Rachit Lakhmani, Adv.

Mr. Avishek Das, Adv.

Mr. Soubhik Dey, Adv.

...for the petitioner

The Court: **1.** Leave was granted by this Court to correct the description of the application. The same be carried out here and now.

2. On the first occasion, none appeared on behalf of the respondent. The postal articles remained unclaimed, although intimation was given by the postal department, to the respondent. The affidavit of service indicates that publication in two dailies, widely circulated in Kolkata, one in English and one in Bengali and an English newspaper at Mumbai has already been made. The erstwhile learned arbitrator recused, upon mentioning certain reasons. In any event, learned arbitrator has since been elevated. The petitioner prays for appointment of a substitute arbitrator.

3. The minutes of the meeting held on January 16, 2025, records that the respondent appeared before the erstwhile learned arbitrator, virtually. The grounds for recusal have been elaborated thereunder. The prayer for appointment of a substitute arbitrator must be allowed, for adjudication of the disputes between the parties.

4. In view of recusal of the learned arbitrator as also in view of the fact that the erstwhile arbitrator has since been elevated to the Bench, this is a fit case for appointment of a substitute arbitrator.

5. The application is accordingly disposed of by appointing Ms. Noelle Banerjee, learned advocate (M-98366 29919), as the learned arbitrator to arbitrate upon the disputes between the parties.

6. This Court has not gone into the merits of the issues raised by Mr. Lakhmani, learned advocate for the petitioner.

7. Learned arbitrator shall proceed independently, from the stage when the erstwhile learned arbitrator recused. Parties shall pray that the documents in possession of His Lordship (erstwhile learned Arbitrator), be handed over to them.

(SHAMPA SARKAR, J.)