

OCD 12

ORDER SHEET
AP-COM/428/2024
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

TIRUPATI VESSEL PVT. LTD.
VS
M/S AFCONS INFRASTRUCTURE LTD.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 10th April, 2025.

Appearance:
Mr. K. Thaker, Sr. Adv.
Ms. Sneha Singhania, Adv.
Ms. Sreenita Thaker, Adv.
...for the petitioner

Mrs. Sweta Gandhi, Adv.
...for the respondent

The Court:

1. This is an application for appointment of a learned Arbitrator on the basis of Box 34 of the Charter Party Agreement. The said provision is as follows:

“34. Dispute Resolution (State(a), (b) or (c) of Cl.34 as agreed; if (c) agreed also state place of arbitration) {Cl.34}

Clause 34c shall be the applicable. Place of Arbitration shall be KOLKATA/MUMBAI, INDIA. Rules as per Arbitration and Conciliation Act, 1996 (as last amended)”

2. The petitioner submits that part cause of action has arisen within the jurisdiction of this Court as the payments were to be received within the jurisdiction of the Court. The dispute arises out of non-payment.
3. Under such circumstances, this application is allowed by appointing Hon'ble Justice Asok Kumar Ganguly, former Judge of the Supreme Court of India, to act as a learned Arbitrator and arbitrate upon the disputes between the parties. This appointment is subject to compliance of Section 12 of the Arbitration and Conciliation Act, 1996. The learned Arbitrator shall fix his own remuneration as per the Schedule of the Act.
4. AP-COM/428/2024 is, accordingly, disposed of.

(SHAMPA SARKAR, J.)