

ORDER SHEET

AP-COM/164/2025

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

RATAN SAHA

VS

THE MINISTRY OF RAILWAYS AND ANR.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 10th March, 2025.

Appearance:

Mr. Dinesh Pani, Adv.

.... for the petitioner

Mr. Sahasrangshu Bhattacharjee, Adv.

Mr. Rivu Dutta, Adv.

...for the respondent

The Court: **1.** The petitioner prays for appointment of a sole arbitrator in terms of agreement dated July 23, 2014. The petitioner was engaged as a Halt Contractor at Takipur Halt Station. The tenure of engagement were regularly extended by supplementary agreements and ultimately, extension was granted till February 15, 2025 vide a supplementary agreement dated September 7, 2022.

On January 3, 2024, the petitioner made a prayer for further extension. The prayer was refused. A dispute arose. The petitioner approached the competent Civil Court for an injunction. Ad-interim injunction was granted and thereafter the application was rejected. The petitioner invoked the arbitration clause by a notice issued by his learned

advocate dated February 10, 2025 and suggested names of four learned advocates who would act as the sole arbitrator. Mr. Bhattacharjee, learned advocate for the respondent submits that the respondent asked the petitioner to waive the applicability of Section 12(5) of the Arbitration and Conciliation Act, 1996, in terms of the proviso.

As the petitioner has approached this Court for appointment of learned arbitrator, it is clear that the petitioner is not willing to accept any such waiver clause and desires that the Court should refer the dispute to a sole arbitrator. Mr. Bhattacharjee also agrees that a sole arbitrator should be appointed. There is an arbitration clause and the notice invoking arbitration is available.

2. Under such circumstances, the application is disposed of by appointing Mr. Lokenath Chatterjee, learned Advocate, Bar Library Club, as the sole arbitrator, to arbitrate upon the disputes between the parties. The respondents shall be at liberty to raise all objections that may be available to them under the law. The learned Arbitrator shall comply with the provisions of Section 12 of the Arbitration and Conciliation Act, 1996. The learned Arbitrator shall be at liberty to fix his remuneration as per the Schedule of Arbitration and Conciliation Act, 1996.

(SHAMPA SARKAR, J.)