

OCD -5

ORDER SHEET

AP-COM/441/2024

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

H.P. ISPATPRIVATE LIMITED

VS

SEKH ABEDUR ALI

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 10th February, 2025.

Appearance:

Mr. Debraj Sahu, Adv.
Mr. Bhaskar Dwivedi, Adv.
Mr. Hareram Singh, Adv.
Ms. Swagata Ghosh, Adv.
.... for the petitioner
Ms. Shabana Hassin, Adv.
...for the respondent

The Court: Affidavit of service is taken on record.

This is an application for appointment of an arbitrator. The dispute arises out of the goods sold and delivered. The arbitration agreement provided that all disputes arising out of the agreement dated November 20, 2023 shall be referred to and finally be adjudicated by a sole arbitrator under the provisions of the Arbitration and Conciliation Act, 1996. It was further agreed that Fast-Track procedure as per Section 29B of the said Act shall be adopted. The award made and published by the arbitrator shall be final and binding on the parties and the seat/venue/place of arbitration shall be Kolkata. The notice

invoking arbitration was issued on January 5, 2024, which was delivered to the respondent. Under such circumstances, prayer is made for appointment of a learned arbitrator for resolution of the disputes which have arisen in respect of the agreement dated November 20, 2023. The particulars of the claim of the petitioner have been enumerated in paragraph 14 of the application and total dues according to the petitioner, is more than Rs.26 lakhs.

Learned advocate for the respondent raises objection with regard to the quantification of the claim. In my opinion, such objection can be raised before the learned arbitrator. All disputes which touch on terms of the agreement and the rights and contentions of the parties, including the arbitrability of the same, shall be raised before the learned Arbitrator.

Under such circumstances, the application is disposed of by appointing Ms. Tanvi Luhariwala (M-8961360408), learned Advocate as the sole arbitrator, to arbitrate upon the dispute between the parties. 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 her remuneration as per the schedule of Arbitration and Conciliation Act, 1996.

(SHAMPA SARKAR, J.)