

OCD 13

ORDER SHEET
AP-COM/244/2025
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

M/S D H PATEL
VS
THE KOLKATA MUNICIPAL CORPORATION

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

Appearance:
Mr. Ratnanko Banerji, Sr. Adv.
Mr. Suddhasatva Banerjee, Adv.
Mr. Sagnik Majumdar, Adv.
Ms. Sristi Burman Roy, Adv.
Mr. Aurin Chakraborty, Adv.
Ms. Shreya Ghosh Dastidar, Adv.
...for the petitioner

Mr. Jishnujit Roy, Adv.
...for the respondent

The Court:

1. This is an application for appointment of a learned Arbitrator on the strength of an arbitration clause, which is quoted below:

“ARBITRATION CLAUSE

As per Clause 6.11 of the said Tender Document (Page 39), any dispute between the parties arising out of this RFP Document, relating thereto or arising therefrom will be settled by a binding arbitration in Kolkata under the Arbitration and Conciliation Act, 1996. The parties specifically agree to be bound not to submit a dispute to any Court except as may be necessary to enforce the

arbitration procedures of this clause or to enforce the decision rendered by the Sole Arbitrator or as permitted in law. The proceedings will be conducted in English. The language of the proceedings and the Award will be in English. Each party will pay its own costs.

Courts at Kolkata will alone, to the exclusion of all other Courts, have jurisdiction over all matters between the parties arising out of the present RFP Document or relating thereto.”

2. The petitioner submits that there are live disputes between the parties under various heads and those need to be resolved in terms of the Dispute Resolution Clause. The Courts in Kolkata shall have jurisdiction. The corporation also submits that the claims are not payable. Hence, there is a requirement for an adjudication.
3. Under such circumstances, the Court appoints Mr. Krishnaraj Thaker, learned Senior Advocate, Bar Library Club, as the Arbitrator, to 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/244/2025 is, accordingly, disposed of.

(SHAMPA SARKAR, J.)