

OCD 16

ORDER SHEET
AP-COM/281/2025
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

AMLAN THANDAR
VS
RAJDIP GIRI

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

Appearance:
Mr. Swatarup Banerjee, Adv.
Mr. Ratul Biswas, Adv.
Ms. S. Kanu, Adv.
Mr. Durlav De, Adv.
...for the petitioner

Ms. Pompey Bose, Adv.
Mr. Anjan Banerjee, Adv.
...for the respondent

The Court:

1. The petitioner prays for appointment of a learned Arbitrator in terms of Clause 29 of the Deed of Partnership dated November 23, 2009. The clause is quoted below:

“DISPUTE AND ARBITRATION:-

If any dispute and difference which may arise between the partners or their heirs and representatives or between the firm and a partner with regard to the conduct, management, control,

acquisition or disbursement or any partnership accounts, business, transactions or the right and liabilities of the partners hereunder or the dissolution or winding up of the businesses any other matter regarding to the firm shall be referred to a body of Arbitrator consisting of atleast of two persons one to be appointed by the discontent party and other by remaining party for arbitration and if in case of failure of the arbitration the matter shall be referred to a mediator selected by the said arbitrators whose decision shall be final. If any partners disagree with the decision of the Arbitrator, the same shall be referred to the Arbitration within the meaning of the Arbitration and Conciliation Act, 1996 including any statutory modification thereof.”

2. It is submitted that the petitioner wants dissolution of the partnership firm. The dispute resolution clause provides that all disputes between partners or issues relating to dissolution or winding up shall be resolved by arbitration. The clause provides for appointment of two arbitrators. Ms. Bose and Mr. Banerjee both submit and agree before the court that the dispute should be resolved by a sole arbitrator.
3. Under such circumstances, and as even number of arbitrators cannot constitute an arbitral tribunal, upon recording the submission of the parties for appointment of a sole arbitrator, the application is allowed.
4. Thus, the Court appoints Mr. Saptangshu Basu, learned Senior Advocate, 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.

5. AP-COM/281/2025 is, accordingly, disposed of.

(SHAMPA SARKAR, J.)