

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

AP/50/2025

SRI NIMAI CHARAN PRAMANICK AND ANR
VERSUS
SRI BISWANATH DAS ORS

BEFORE :

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 11th June, 2025.

Appearance:

Mr. Kushal Chatterjee, Adv.
Mr. Debrup Choudhury, Adv.
Mr. Oishik Chatterjee, Adv.
. . .for petitioners.
Mr. Soumyajit Bhatta, Adv.
Mr. Tamal Chakraborty, Adv.
... for respondent nos. 1&2

1. Ms. Pampa Paul, respondent no.3 has since been served. She does not appear despite service.
2. Mr. Soumajit Bhatta, learned Advocate appears on behalf of the respondent nos. 1 and 2.
3. The petitioners are the owners of the land in question. The respondent no.1 is the developer. The respondent nos. 2 and 3 are the other owners. The disputes arise out of a development agreement which was duly registered in the office of A.D.S.R., Cossipore Dum Dum on March 11, 2022. The development of the property allegedly was to be completed within 24 months from the date of sanction of the building plan.

4. The respondent no.1 was obligated to obtain the sanction from the Baranagar Municipality.
5. It is submitted that although the sanction has been obtained belatedly, the respondent no.1 has not started the construction work. On the other hand, the respondent No. 1 wants to resile from the said agreement.
6. Mr. Bhatta submits that the construction could not be raised as possession was not handed over by the land owners. The sanction was obtained on March 20, 2025 from the Baranagar Municipality.
7. The petitioners invoked arbitration. The matter was referred to an arbitrator who recused on the ground of personal inconvenience. Under such circumstances, this application has been filed for appointment of a substitute Arbitrator.
8. It is submitted by both the parties that sittings had not commenced before the learned erstwhile Arbitrator and the proceedings should be taken up from its initiation.
9. Considering the arbitration clause and the order of recusal, this Court allows the application, thereby, referring the dispute to a sole Arbitrator to adjudicate the disputes between the parties. Mr. Sarosij Dasgupta, learned Advocate is appointed as the sole Arbitrator, to arbitrate upon the disputes between the parties.
10. 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.

11. All the questions and objections are left open, to be decided by the learned Arbitrator.
12. The application being AP 50 of 2025 is, accordingly, disposed of.

(SHAMPA SARKAR, J.)