

OCD-27

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Jurisdiction
ORIGINAL SIDE
[Commercial Division]

AP-COM/342/2025

SMT MIRA SADHU & ANR.
VS
M/S. SREE KRISHNA RICE MILL & ORS.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date : 19th May, 2025.

Appearance :
Mr. Sayan Sinha, Adv.
Mr. Nilanjan Bhattacharya, Adv.
... for the petitioners.

Mr. Rittick Chaudhury, Adv.
Mr. Subrata Bhattacharya, Adv.
... for the respondents.

The Court:-

1. Affidavit-of-service filed in Court today is taken on record.
2. This is an application under Section 11 of the Arbitration and Conciliation Act, 1996, for appointment of a learned arbitrator for settlement of the disputes which arose out of a deed of re-constitution of partnership dated December 3, 2022.
3. Settlement of disputes by arbitration, has been provided under Clause 16 of the said deed.
4. It is submitted by the petitioners that, the dispute is with regard to non-delivery of accounts, sharing of profits and attempts at ousting the petitioners from the partnership business.

5. The learned Advocate for the respondent denies the contention of the petitioners. However, the nature of contentions made by Mr. Chaudhury are on the merits of the claim of the petitioners. As the referral Court, I find that there is an arbitration clause. The disputes between the parties have been clearly enumerated in the correspondences and the notice invoking arbitration.
6. Under such circumstances, the application is allowed. Although, the arbitration clause provides for adjudication of the disputes by a panel of three Arbitrators, both the learned Advocates for the respective parties submit, on instructions, that the parties agree that the dispute should be referred to a sole arbitrator.
7. Under such circumstances, the application is disposed of by appointing Mr. Subhankar Nag, learned Advocate, Bar Library Club, (+91 9830012175) 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/her remuneration as per the Schedule of the Arbitration and Conciliation Act, 1996.

(SHAMPA SARKAR, J.)