

OD-8 & 9

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL DIVISION
ORIGINAL SIDE

IA No.GA/4/2024
IN
AP/507/2019
M/S. SWADHA BUILDERS PRIVATE LIMITED
VS
MURARI MOHAN DASS AND ANR.

AP/68/2025
M/S. SWADHA BUILDERS PRIVATE LIMITED
VS
MURARI MOHAN DASS AND ANR.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 6thAugust, 2025.

*Ms. Aparajita Rao, Adv.
Ms. Nabanita Dutta, Adv.
.... for the petitioner.*

*Mr. Shyamal Kr. Das, Adv.
Ms. Krishna Yadav, Adv.
. . . for the respondents.*

The Court: This is an application to record the termination of the mandate of the learned Arbitrator and appointment of a substitute Arbitrator in view of the fact that the Arbitrator is defacto unable to perform his duties.

It appears that since July, 2023 not a single sitting has been held and the proceeding did not commence. Learned Advocate for the respondents

also submits that the dispute is alive and has to be adjudicated by an Arbitrator upon recording termination of the mandate of the Arbitrator. Both the parties are of the opinion that the matter has not proceeded at all. The records support such contention of the parties.

Under such circumstances, this Court records failure of the learned Arbitrator to commence the proceedings within a reasonable time and to in fact act in the capacity of an Arbitrator. Two years have lapsed since declaration was given by the learned Arbitrator under Section 12 of the Arbitration and Conciliation Act, 1996. The application is allowed. The mandate of the learned Arbitrator is terminated.

Mr. Saptansu Basu, learned Senior Advocate, is appointed as the Arbitrator, to arbitrate upon the disputes between the parties.

The newly appointed 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.

Parties are granted liberty to approach the office of the erstwhile Arbitrator for return of all records.

Both the applications are disposed of.

(SHAMPA SARKAR, J.)