

ORDER

OCD-1

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/455/2025
KAIL LIMITED
VS
IKHLAQ HUSSAIN KHAN

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 8th July 2025.

Appearance:-

Mr. Satadeep Bhattacharyya, Adv.
Mr. Saptarshi Datta, Adv.
Ms. Sriparna Mitra, Adv.
Ms. Srinjita Ghosh, Adv.
Mr. Debdut Hore, Adv.
... for petitioner.

Mr. Ishaan Saha, Adv.
Ms. Sananda Ganguli, Adv.
... for respondent.

1. By an order dated June 19, 2025, this Court had decided on the issue as to whether the dispute should be referred to arbitration. The parties had sought an adjournment on the ground that they may arrive at a consensus for reference of the dispute to a sole arbitrator instead of an arbitral panel as per the terms and conditions of the agreement. All the questions raised by respondent with regard to admissibility of claims, limitation etc. had been kept open.
2. The parties are not ready with an agreement for reference of the dispute to a sole arbitrator. Thus, the only option left to the Court is to refer the dispute to an arbitral tribunal in terms of Clause 1.20(l) of the letter of

agreement dated 8th August 2024, on the basis of the order dated June 19, 2025, when the question of reference was decided.

3. The petitioner had already nominated Justice Subhra Kamal Mukherjee, Former Chief Justice of the Karnataka High Court as its nominee. Justice Girish Chandra Gupta, Former Chief Justice of High Court at Calcutta shall act as the respondent's nominee and Justice Pinaki Chandra Ghose, Former Judge, Supreme Court of India shall act as the Presiding Arbitrator. The appointment of the Arbitral Tribunal is subject to compliance of Section 12 of the Arbitration and Conciliation Act, 1996. The Arbitral Tribunal shall fix the remuneration as per the Schedule of the Arbitration and Conciliation Act, 1996.

(SHAMPA SARKAR, J.)