

OCD -23

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL JURISDICTION
ORIGINAL SIDE

AP-COM/501/2025
MIDWAY COMMOSALE LLP
VS
VEDIC CONCLAVE PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 23rd July, 2025.

Appearance:

Mr. Rohit Das, Adv.

Mr. Kishwar Rahman, Adv.

Ms. DivyaTekriwal, Adv.

.... for the petitioner

Mr. Ratul Das, Adv.

Mr. ShayakMitra, Adv.

Mr. Kamran Husain, Adv.

Mr. Shivam Pathak, Adv.

Mr. AnandDwivedi, Adv.

Mr. Sumit Biswas, Adv.

...for the respondent

The Court: This is an application for appointment of an arbitrator in view of the elevation of the erstwhile learned arbitrator as a Judge of this Court. The petitioner submits that under such circumstances the learned erstwhile arbitrator is unable to perform his duties.

Mr. Das submits that the learned substituted arbitrator may proceed de novo.

Considering the facts and circumstances of the case, this is a fit case for appointment of a substituted arbitrator upon elevation of His Lordship. This Court appoints Nayan Chand Bihani, learned senior Advocate as the learned

arbitrator. It is open to the learned arbitrator to decide the stage from which the proceeding shall start. Mr. Das's submission that the respondent wishes to file a statement of defence and examine the witnesses of the petitioner, must be raised before the learned arbitrator. 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.

(SHAMPA SARKAR, J.)

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