

ORDER

OD-4

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

AP/126/2025

RAJESH SARAF (HUF)
VS
PUJA SINHA

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 18th August 2025.

Appearance:

Mr. Varun Kedia, Adv.
Mr. Aavee Jaiswal, Adv. ...for petitioner.

Mr. Parashar Baidya, Adv.
Mr. Tanmoy Chattopadhyay, Adv. ...for respondent.

1. This is an application for appointment of an arbitrator under Clause 24 of the Leave and Licence Agreement dated May 1, 2024.
2. According to the petitioner, the disputes arose when the respondent defaulted in payment of the license fees, electricity charges and other incidentals from June 20, 2024. It is contended by the petitioner that the tenure of the Leave and Licence Agreement expired on March 31, 2025. Therefore, by a letter dated April 2, 2025, the petitioner called upon the respondent to quit and vacate the premises upon delivery of peaceful possession. The respondent refused to vacate and continued to occupy the premises.
3. It is contended by the petitioner that substantial amount is payable by the respondent on account of unpaid licence fee/arrear licence fee, occupation charges, electricity charges, expenses towards repair and

restoration of the damaged portion of the property etc. The petitioner also submits that the respondent must be evicted and directed to hand over vacant possession of the premises.

4. The learned advocate for the respondent denies the allegations made by the petitioner. The objections raised by the respondent are triable issues. Admittedly, there is an arbitration clause and the dispute between the parties must be referred to arbitrator. The issue of arbitrability and/or jurisdiction of the arbitrator and all other objections, shall be decided by the arbitrator.
5. Under such circumstances, the application is disposed of. This Court appoints Mr. Partha Pratim Ray, learned Senior Advocate, as an arbitrator, 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 remuneration as per the Schedule of the Arbitration and Conciliation Act, 1996.
6. In the order dated August 11, 2025, the names of the learned advocates for the respondents Mr. Parashar Baidya and Tanmoy Chattopadhyay had not been incorporated. The said order be corrected upon incorporation of the names of the learned advocates for the respondent. The remaining portion of the order remains unaltered.

(SHAMPA SARKAR, J.)

