

ORDER SHEET
AP-COM/619/2025
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

SREI EQUIPMENT FINANCE LIMITED
VS
M/S. ATI FREIGHT PVT. LTD. AND ANR.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 13th November, 2025.

Appearance:
Mr. Swatarup Banerjee, Adv.
Mr. Sariful Haque, Adv.
Mr. Saubhik Chowdhury, Adv.
Ms. S. Mallick, Adv.
...for the petitioner

The Court:

1. Affidavit of service is taken on record. Both the respondents have been served. The matter proceeds against the respondents.
2. The dispute arose out of a loan-cum-hypothecation agreement bearing no.127670 dated December 31, 2016. The petitioner contends that the respondents had availed of the loan facility but did not adhere to the repayment schedule. Clause 9.1.1 of the said agreement provides that

all disputes and differences arising out of the agreement would be resolved by a sole arbitrator in terms of the provisions of the Arbitration and Conciliation Act, 1996. The proceeding shall be held at Kolkata. Clause 9.10 talks about the exclusive jurisdiction of the court and tribunal at Kolkata. Along with the said agreement, a personal guarantee agreement was also entered into between the parties. The loan was recalled and the contract was terminated. Clauses 34 and 36 of the personal guarantee agreement provide for settlement of disputes arising out of the said agreement by arbitration and the clause further provides that all the terms and conditions of the loan agreement dated December 31, 2016 including the arbitration clause shall apply. Alleging non-payment of the loan agreement as per the schedule a revised notice invoking arbitration was issued upon the respondents on March 27, 2025. In view of the aforementioned disputes, the petitioner seeks reference of the matter to a sole arbitrator. The prayer is allowed.

3. Under such circumstances, the Court appoints Mr. Justice Pradipta Roy, former Judge of this Court, (+91 9830986136)) as the 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/her own remuneration as per the Schedule of the Act.
4. AP-COM/619/2025 is, accordingly, disposed of.

(SHAMPA SARKAR, J.)