

AP-COM/147/2025
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

GODREJ AND BOYCE MFG CO LTD
VS
SHPOORJI PALLONJI AND COMPANY PVT LTD

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date : 9th June, 2025.

Appearance:
Ms. Deblina Lahiri, Adv.
Mr. Mrinmoy Chatterjee, Adv.
. . .for the petitioner.

Mr. Bodhisatta Biswas, Adv.
. . .for the respondent.

The Court:

1. This is an application for appointment of an Arbitrator.
2. The dispute arises out of six purchase orders. According to the petitioner, even after the last payment was made sometime in March 17, 2025, pursuant to negotiation between the parties, there still remains unpaid dues. Learned advocate for the respondent raises the question of admissibility of the claims and the correctness of the calculation made by the petitioner. However, these issues are to be decided by the learned Arbitrator. The referral court is not required to go into the merits of the dispute. Thus, considering the arbitration clause and the jurisdiction clause, this Court is of the view that this application should be allowed.

3. It also appears that the parties have treated the issue with regard to the outstanding dues under the purchase orders, in a composite manner. The minutes of the meeting dated March 6, 2025 clearly indicates that a settlement process was initiated, treating the total dues as a consolidated sum and a lump sum amount was paid against the total amount dues claimed by the petitioner.
4. Under such circumstances, this court is also of the view, that to prevent unnecessary expenses and multiplicity of proceeding a consolidated arbitration should be held and the total claim shall be adjudicated upon in a composite manner.
5. Under such circumstances, the Court appoints Hon'ble Justice Samapti Chatterjee, former Judge of this Court, as the Arbitrator, to arbitrate upon the dispute between the parties. This order is subject to compliance of Section 12 of the Arbitration and Conciliation Act, 1996.
6. The learned Arbitrator shall fix her own remuneration as per the schedule of the Arbitration and Conciliation Act.
7. AP-COM 147 of 2025 is accordingly disposed of. All issues and objections shall be decided by the learned Arbitration. Counter claim, if any, shall also be decided accordingly. The merits of the petitioner's claim have not been gone into.

(SHAMPA SARKAR, J.)