

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

AP/150/2025

J. J. ENCLAVE PRIVATE LIMITED AND ORS.
VS
RAJWADA EMPIRE AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 25th November, 2025.

Appearance:

Mr. Rajarshi Dutta, Adv.

Mr. Deepak Kr. Jain, Adv.

Mr. Ritoban Sarkar, Adv.

.... for the petitioners

The Court: The postal track reports indicate that the respondents have been served. Despite service none appears on behalf of the respondents.

It appears that the dispute between the parties arose out of a development agreement dated October 13, 2020 and the supplementary agreement dated October 14, 2020. Both the agreements contain similar arbitration clauses. According to the petitioner the respondents failed to adhere to their commitment to construct the building and also failed to obtain the sanction plan. The petitioners terminated the agreements. The petitioners also have a money claim towards damages.

This Court is not inclined to go into the disputes, as claimed.

It appears that notice invoking arbitration was issued and the respondents replied to the same.

The specific contention of the respondents was that the parties had already started the process of amicable settlement. In the reply to the notice invoking arbitration, there is no denial of the arbitration clause.

It is submitted by Mr. Dutta that the parties were in the process of amicable settlement, however, till date the settlement has not reached in its final conclusion. There are live disputes between the parties. Clause 14.1 of the development agreement and Clause 20 of the supplementary development agreement contain the arbitration clauses. The clauses provide for arbitration by three arbitrators, one to be appointed by each party. Mr. Ranjan Deb, learned senior advocate has been nominated by the petitioner. The Deb shall act as the petitioners' nominee. Mr. Ajoy Krishna Chatterjee, learned senior advocate shall act as the respondents' nominee and Hon'ble Justice Jyotirmay Bhattacharya, former Chief Justice of this Court shall appoint the presiding arbitrator.

Under such circumstances, the application is allowed, leaving the question of arbitrability of the dispute, admissibility of the claim, limitation etc. open and to be decided by 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.)