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

AP/196/2025
ARIJIT GANGULY AND ANR
VS
M/S LARICA ESTATES LTD AND ORS

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 9th December, 2025.

Appearance:

Mr. Ritoban Sarkar, Adv.
Mr. Soumalya Ganguli, Adv.
...for the petitioner
Mr. Manish Paul, Adv.
...for the respondents

The Court: This is an application for appointment of an arbitrator in terms of Clause 22 of the construction agreement dated March 12, 2013. It prima facie appears that the time was extended by the parties by exchange of letters and also by conduct. The letters dated October 17, 2020 and January 27, 2021 have been relied upon in support of such extension. The respondent had written to the land owners to make further payment and promised to develop the property for residential purpose. The dispute arose when the respondent failed to develop the property even after the time had been allegedly extended by conduct of the parties. Under such circumstances, notice invoking arbitration was issued by the petitioner on July 18, 2025 through their learned advocate. Apart from the prayer for specific performance, the petitioner has also claims in damages for the loss incurred on account of protracted delay in

development of the property in question. Thus, limitation is a mixed question of law and fact which shall be decided by the learned arbitrator. Learned advocate for the respondent submits that the claims are not genuine. He also disputes the arbitrability of the disputes.

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.

Mr. Sarosij Dasgupta (Mob:- 9748919357) learned Advocate, Bar Library Club, is appointed as 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.)