

ORDER SHEET
AP-COM/686/2025
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

UMA SHANKAR RATHI
VS
VEENA BIHANI AND ORS

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 22nd September, 2025.

Appearance:
Mr. Anubhav Sinha, Adv.
Mr. Soumyadeb Sinha, Adv.
Mr. Shirsho Banerjee, Adv.
Ms. Shruti Shaw, Adv.
. . .for the petitioner.

Mr. Altamas Alim, Adv.
Mr. S.S. Bhutoria, Adv.
. . .for the respondents.

The Court:

1. Affidavit of service filed in Court is taken on record.
2. Mr. Altamas Alim appears on behalf of the respondents. The dispute is between the partners of an unregistered partnership firm. The deed of partnership dated 15th January, 2004 contains an arbitration clause. The partnership was reconstituted, from time to time. Lastly, on December 1, 2020, the firm was reconstituted and the same also contains an arbitration clause.
3. The parties had agreed that, all questions arising out of the partnership and all disputes relating to the business and between the partners or

their representatives, including disputes with regard to construction of the clauses of the deed, valuation and division of the assets and liabilities, shall be referred to arbitration and the arbitration proceeding shall be governed by the provisions of the Arbitration and Conciliation Act, 1996.

4. It is admitted by both the parties that disputes survive. The petitioner invoked arbitration by a notice dated February 10, 2025. The respondents replied to the same, but did not agree to the nominee of the petitioner. Hence, this application has been filed.
5. Mr. Alim has raised various objections with regard to the arbitrability of the claims and submits that the claim, insofar as, the deed of release was concerned, would not be covered by the arbitration clause in the partnership deed.
6. In my view, the issue of arbitrability of the claims must be raised before the learned Arbitrator. All points are left open to be raised before the learned Arbitrator at the appropriate stage.
7. This Court appoints Mr. Tilak Bose, learned senior Advocate, as the learned 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 remuneration as per the Schedule of the Arbitration and Conciliation Act, 1996.

8. Accordingly, the application being AP-COM 686 of 2025, is disposed of.

(SHAMPA SARKAR, J.)

SP/