

OC-27

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/695/2025

M/s. ROY'S INSTITUTE OF COMPETITIVE EXAMINATION PVT. LTD.
VS
RNB DIGITRONIX PVT. LTD. & ANR.

BEFORE:

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

*Appearance:-
Mr. Swarajit Dey, Adv.
Mr. Saptarshi Kar, Adv.
...for petitioner*

The Court :- This is an application for appointment of an Arbitrator upon the demise of the erstwhile learned Arbitrator.

The affidavit of service has been filed in Court which shows that publication in two widely dailies, one in English and one in Bengali, was effected on October 25, 2025. Thus, the respondents are aware of the proceeding but they have abstained themselves from attending the same.

It is also submitted that before the erstwhile learned Arbitrator the proceedings were continuing ex parte. The erstwhile learned Arbitrator also recorded that despite service on various occasions the respondents failed to appear before His Lordship and as such, the Tribunal had no other option

but to continue with the matter and decide it finally ex parte against the respondents.

At the stage of filing of the affidavit evidence, the erstwhile learned Arbitrator expired. The prayer is innocuous.

Under such circumstances, the application AP(COM) No. 695 of 2025 is allowed by appointing Justice Samapti Chatterjee, a former Judge of this Court, as the sole Arbitrator, to arbitrate the disputes between the parties from the stage the proceedings were before the erstwhile 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 her remuneration as per the Schedule of the Arbitration and Conciliation Act, 1996.

The petitioner is at liberty to take back the records of the arbitral proceedings from the office of the erstwhile Learned Arbitrator forthwith.

(SHAMPA SARKAR, J.)