

OCD 2

ORDER SHEET
AP-COM/724/2025
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

NEPHROCARE HEALTH SERVICES LIMITED
VS
CHIKITSABRATI UDYOG AND ANR.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 11th December, 2025.

Appearance:
Mr. Dyutiman Banerjee, Adv.
Mr. Bodhisattya Halder, Adv.
Ms. A. Das, Adv.
. . .for the petitioner.

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

The Court:

1. The petitioner seeks reference of the dispute to arbitration, on the strength of Clause 16 of the Dialysis Services Agreement dated 14th September, 2017. The Clause 16 of the Dialysis Services Agreement is quoted below:-

“16. **Arbitration:** The Parties herein shall resolve all disputes in connection with this agreement amicably by mutual negotiation, failing which, the Parties herein shall refer the dispute for arbitration in accordance with the Arbitration and Conciliation Act, 1996, with its statutory modifications, enactments or re-enactments thereto.”

2. In the usual course of business, service was rendered by the petitioner and the petitioner alleges that the bills were not honoured. There were outstanding dues, which the respondents were liable to pay to the petitioner on account of the service rendered in terms of the agreement. Two notices invoking arbitration were issued. One on July 8, 2024 and the other on May 13, 2025. The respondents dispute the claim of the petitioner.
3. In my view, as there is an existing arbitration agreement between the parties. The disputes arose within the jurisdiction of this Court. The matter shall be referred to arbitration.
4. All objections with regard to the arbitrability of the claims, admissibility thereof, limitation etc. are left open, to be decided by the learned Arbitrator.
5. The application is disposed of by appointing Mr. Biswaroop Bhattacharya, learned Advocate [Mobile No. 9830454798], as the 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.
6. The learned Arbitrator shall fix his own remuneration as per the Schedule of the Act.
7. The application is, accordingly, disposed of.

(SHAMPA SARKAR, J.)