

OCD 22

ORDER SHEET
AP-COM/728/2025
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

M/S. THE GROB TEA COMPANY LIMITED
VS
M/S. LARICA LED PRODUCTS PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 24th September, 2025.

Appearance:
Mr. Rachit Lakhmani, Adv.
Mr. Swapan Nath, Adv.
...for the petitioner

Mr. Rahul Parasrampur, Adv.
Mr. Varun Kothari, Adv.
Ms. Saloni Agarwal, Adv.
...for the respondent

The Court:

1. This is an application for appointment of a learned Arbitrator in terms of Clause 6 of the Consortium Agreement dated January 30, 2019 read with Clause 6 of the renewal agreement dated February 1, 2022. Both the agreements contain a dispute resolution clause. Parties agreed to refer their disputes arising out of the said agreements to an Arbitral Tribunal. Each of the parties was to nominate an arbitrator and the two nominees were to nominate the presiding arbitrator.
2. Mr. Lakhmani, learned advocate for the petitioner submits that disputes arose between the parties out of goods sold and delivered.

According to Mr. Lakhmani, the goods that were delivered to the petitioner were of lesser quantity than what was paid for.

3. Mr. Kothari, learned advocate for the respondent submits that the application should fail for mis-joinder of parties. That the claim of the petitioner was not leviable against the respondent. There were other third parties who were involved in the transaction. The transaction between the petitioner and the respondent was not restricted only between them, but third parties were required to perform their obligations. As such, the claim against the respondent was unsustainable and non-arbitrable. It is thus submitted that, as the dispute cannot be adjudicated by the Arbitral Tribunal, this application should be dismissed.
4. Both the learned advocates submit on behalf of their clients that, the mechanism prescribed under the agreements had failed and the Court may appoint a sole arbitrator for adjudication of the dispute between the parties. Both the learned advocates record consent before the Court that a sole arbitrator may be appointed. Such prayer and the application are allowed.
5. Under such circumstances, the Court appoints Mr. Mainak Bose, learned Senior Advocate (Mob No.9830467707), 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. The learned Arbitrator shall fix his own remuneration as per the Schedule of the Act.

6. AP-COM/728/2025 is, accordingly, disposed of.
7. Mr. Kothari's objections with regard to the jurisdiction of the learned arbitrator, the arbitrability of the issues and the admissibility of the claims are left open, to be adjudicated at the appropriate stage by the learned Arbitrator.
8. This order does not touch on the merits of the disputes involved.
9. Liberty to file vakalatnama in the department within a week after the vacation.

(SHAMPA SARKAR, J.)