

ORDER SHEET
AP-COM/736/2025
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

PROSPECT PHARMACEUTICALS PRIVATE LIMITED
VS
BAJAJ HOUSING FINANCE LIMITED

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 22nd September, 2025.

Appearance:
Mr. Diptomoy Talukder, Adv.
Mr. Shakti Kumar Chatterjee, Adv.
Mr. T. Talukder, Adv.
...for the petitioner

Mr. P.K. Srivastava, Adv.
Mr. Aurin Chakraborty, Adv.
Ms. Hrishika Upadhyay, Adv.
...for the respondent

The Court:

1. This is an application for appointment of a learned Arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996.
2. The disputes between the parties arose out of a Loan Agreement dated November 13, 2024. The petitioner had availed of financial assistance from the respondent. The petitioner contends that as the disbursement of the loan was not in accordance with the agreement, the petitioner faced financial hardship and as such, could not repay the loan as per the repayment schedule.

3. Mr. Chakraborty, learned advocate for the respondent/finance company opposes such submission, but relies on a notice invoking arbitration dated August 11, 2025, to contend that the respondent also seeks reference of the disputes for adjudication, as huge sum is payable by the petitioner. The respondent already invoked arbitration, but did not take further steps for constitution of the arbitral tribunal. Hence, the petitioner has approached this Court.
4. Under such circumstances, when the parties submit that there are existing disputes and as the parties have agreed to refer all the disputes and differences arising out of the loan agreement to arbitration, the application is allowed by appointing Mr. Anirban Ray, learned Senior Advocate, Bar Library Club, 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 remuneration as per the Schedule of the Arbitration and Conciliation Act, 1996.
5. The application is, accordingly, disposed of.
6. A copy of the loan agreement shall be served upon the learned advocate-on-record for the petitioner within this week.

(SHAMPA SARKAR, J.)