

OC- 12

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION

AP-COM/831/2024
CLASSIC LEASING AND FINANCE LIMITED
VERSUS
CHHAPPAN BHOG AND OTHERS

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 10th February, 2025.

Appearance:

Ms. Desbjani Sengupta, Adv.

Mr. Rajib Mullick, Adv.

Ms. Ayantika Saha, Adv.

...for petitioner.

The Court:- Paper publication has been made in "The Times of India", "Sanmarg" and "Ei Samay". Despite such insertion in the newspapers, none appears for the respondents. Under such circumstances, nothing prevents this Court from proceeding with the matter in the absence of the respondents.

This is an application for appointment of an arbitrator. The dispute arose out of a loan agreement executed between the parties on January 20, 2024. The petitioner is a non-banking financial institution. The petitioner contends to have extended loan facility for an amount of 27,50,000/- to the respondents. According to the petitioner, the respondents violated the payment schedule and failed to make a single payment. Later, the respondents issued a cheque. The cheque was dishonoured on the ground of insufficiency of funds. Accordingly, the agreement was terminated on June 9, 2024 and the petitioner claimed an

amount of Rs.30,88,795/-. The interest component and total claim was calculated up to June 9, 2024. The petitioner also approached the jurisdictional court for injunction and for protection of the secured property. The notice invoking arbitration was issued on July 11, 2024.

Under such circumstances, the application is allowed.

This Court appoints Mr. Arnab Chakraborty, Advocate [Mobile No. 983067676096], as the arbitrator to arbitrate upon the disputes between the parties. All issues with regard to arbitrability, calculation of the claim, nature of the claim etc. shall be raised before the learned arbitrator by the respondents. 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.

(SHAMPA SARKAR, J.)

S. Kumar / R.D. Barua