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IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

AP/175/2024
TARUN KUMAR KHAMRAI
VS
NABAKISHORE KHAMRAI AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : February 17, 2025

Mr. Sudeep Sanyal, Sr. Adv.
Mr. Sukanta Das, Adv.
Mrs. T. Das, Adv.
Mr. Chandrachur Lahiri, Adv.
...for petitioner.
Mr. Pijush Biswas, Adv.
Mr. Abhisek Baran Das, Adv.
...for respondents 1 to 4

The Court :- The petitioner and the respondents are partners of a nursing home under the name and style "Sri Ramkrishna Nursing Home and Diagnostic Centre". Disputes allegedly cropped up between the partners.

The petitioner alleges that although the petitioner had invested in the working capital of the business he was not allowed to withdraw certain amount from his share. The balance sheet of 2023, would reflect his entitlement. Such withdrawal was necessitated due to an emergent situation.

Learned Advocate for the respondent submits that the contention of the petitioner is not correct and the question of allowing the petitioner to withdraw the amount did not arise.

Heard the parties. The original partnership was constituted on September 7, 2015. Thereafter, another partner was inducted and a new partnership deed dated January 1, 2019 was executed between the parties. In the said deed, the terms and conditions as also the profit sharing of the partnership business was restructured. The said partnership deed contains an arbitration clause. Demand letters were issued by the petitioner asking the

other partners to allow him to withdraw the money, in November 2023 and June 19, 2024. As the petitioner was prevented from withdrawing the amount, by letter dated July 15, 2024, arbitration was invoked and the petitioner nominated an arbitrator who is an Advocate of this High Court. By a notice dated August 2024, the respondents suggested the name of another learned Advocate, thereby rejecting the proposition of the petitioner. The petitioner rejected the name suggested by the respondents and this has given rise to the application for appointment of an Arbitrator. The sum and substance of the disputes, inter alia, are whether the respondents should allow the petitioner to withdraw certain sums of money on the reasons set forth by the respondents in various demand letters and the notice involving arbitration.

Under such circumstances, this Court appoints Mr. Sanjoy Mukherjee, learned Advocate (Mob. 98364 30202) as the sole Arbitrator to adjudicate upon the disputes between the parties. This order is subject to compliance of Section 12 of the Arbitration and Conciliation Act, 1996. All points are left open, for the parties to agitate before the learned Arbitrator.

The learned Arbitrator shall fix his own remuneration as per the schedule of the Act.

AP/175/2024 is accordingly, disposed of.

(SHAMPA SARKAR, J.)