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ORDER SHEET
AP/450/2023
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

KEJRIWAL CASTINGS LIMITED
VS
ENVIRO SERENE

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 7th January, 2025.

Appearance:
Mr. Sanjay Baid, Adv.
Mr. Sourav Dutta, Adv.
...for the petitioner

The Court: The Court found that despite service on two occasions, the respondent did not appear. Thus, the Court directed service by way of paper publication. None appears even today.

Affidavit of service filed in Court indicates that paper publications have been made in two widely circulated dailies, namely, 'The Telegraph' and 'Anandabazar Patrika'. Under such circumstances, the matter is taken up in the absence of the respondent.

AP/450/2023 was filed under Section 29A of the Arbitration and Conciliation Act, 1996, by the applicant seeking extension of the mandate of the learned Arbitrator. A coordinate Bench by an order dated 30th August, 2023 rejected the said application on the ground that the application had been filed after the mandate of the learned Arbitrator had expired. The petitioner preferred an appeal before the Hon'ble Apex Court. The appeal was registered as Civil

Appeal No.10622/2024. The Hon'ble Apex Court allowed the appeal in part, but did not extend the mandate of the learned Arbitrator thereby leaving it to the Court to appoint a new Arbitrator in this regard. The matter was remitted to the High Court for necessary orders.

Mr. Dutta learned advocate for the petitioner submits that this Court should appoint a substitute Arbitrator in terms of Section 29A(6) of the Arbitration and Conciliation Act, 1996 as directed Hon'ble Apex Court.

Accordingly, the Court appoints Ms. Hashnuhana Chakraborty, learned Advocate (Mob. No.9830111269), as the Arbitrator, to arbitrate the dispute. This order is subject to compliance of Section 12 of the Arbitration and Conciliation Act, 1996.

The learned Arbitrator shall fix her own remuneration as per the Schedule of the Act.

The claimant will be at liberty to pray before the erstwhile learned Arbitrator Mr. Samar Roy, a retired District Judge, for handing over all the documents, pleadings etc.

The learned substitute Arbitrator shall proceed from the stage prior to filing of this application. It appears that the matter had proceeded ex parte before the learned Arbitrator. This order be communicated to the respondent by the petitioner or the learned Advocate on record for the petitioner.

AP/450/2023 is, accordingly, disposed of.

(SHAMPA SARKAR, J.)