

OCD 4

ORDER SHEET
AP-COM/805/2025
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

CLASSIC LEASING AND FINANCE LIMITED
VS
PADAM GUPTA

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 9th December, 2025.

Appearance:

Ms. Debjani Sengupta, Adv.

Mr. Rajib Mullick, Adv.

Ms. D. Agarwal, Adv.

. . .for the petitioner.

Mr. Palash Mukherjee, Adv.

Ms. Sucheta Mitra, Adv.

. . .for the respondent.

The Court:

1. This application has been filed for appointment of a learned Arbitrator for adjudication of the dispute arising out of a Memorandum of Understanding cum Agreement dated June 28, 2024.
2. A financial assistance (loan) for an amount of approximately Rs. 25 lakhs was allegedly advanced by the petitioner to the respondent. As a security to such loan two properties were mortgaged and two other properties were secured. As the respondent failed to repay the loan as per the repayment schedule, the disputes cropped up. Further allegation is that the two of the mortgaged property were sold off by the

respondent. The sale is also an admitted position. In respect of two other properties which were secured there is an injunction operating. The agreement was terminated and a notice invoking arbitration was issued. The respondent did not reply to the same. The respondent did not show any inclination for reference to arbitration.

3. Thus, this application has been filed for appointment of an Arbitrator. Clause 10 of the Memorandum of Understanding cum Agreement provides for settlement of disputes between the parties by arbitration.
4. This application is allowed, leaving all objections available to the respondent open and to be urged before the learned Arbitrator including the question of jurisdiction, arbitrability, limitation etc.
5. Under such circumstances, the Court appoints Ms. Suchishmita Ghosh (Mob:- 7980857275), learned Advocate, Bar Association as the learned Arbitrator, to arbitrate upon the dispute between the parties. This appointment is subject to compliance of Section 12 of the Arbitration and Conciliation Act, 1996.
6. The learned Arbitrator shall fix his own remuneration as per the Schedule of the Arbitration and Conciliation Act.
7. AP-COM/805/2025 is, accordingly, disposed of.

(SHAMPA SARKAR, J.)