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ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/867/2025
CIC SOCIETY
VS
M/S. MITSUBISHI ELEVATOR INDIA PVT. LTD.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 27th November, 2025.

Appearance:
Mr. Satadeep Bhattacharyya, Adv.
Mr. S. K. Poddar, Adv.
Ms. Sriparna Mitra, Adv. ...for petitioner.

Mr. Jitendra Patnaik, Adv. ...for respondent.

The Court: The petitioner is a society. The petitioner prays for appointment of a learned Arbitrator in terms of the arbitration agreement contained under clauses 11 and 15 of two offer letters bearing no. IMEC-OS-SQL-02, ref. IMEC/KOL/UD/SP/23001092 and no.IMEC-OS-SQI-02, ref. IMEC/KOL/UD/SP/23001092, both dated August 30, 2023. The offer letters were issued by the respondent. The same were accepted by the petitioner. As per the offer letters, the respondent was supposed to install elevators, the specifications whereof are given below.

Sl.no.	Elevator no.	Brief specification	Unit	Per unit price	GST 18%[INR]	Total price [INR]
1	L4	1350 Kgs [20 pax] 24 stops - 2.5 mps - Co-MR	1	51,03,763	9,18,677	60,22,440
2	L1	884 Kgs [13 Pax] 25 stops-Co-2.5 Mps-MR	1	33,95,370	6,11,167	40,06,537
		Total				1,00,28,977

The petitioner asked for refund of the advance made as the installation could not be done.

Learned advocate for the respondent submits that the installation could not be done because the petitioner could not provide the required space for such installation. He further submits that the offer was subject to certain terms and conditions, but the petitioner did not comply with those terms and conditions.

Admittedly, the parties have allegations and counter allegations against each other, which shows that there is a live dispute. The petitioner terminated the offers and prayed for refund of the money advanced. The respondent refused to refund the money. Thereafter, the petitioner invoked arbitration by a letter dated May 23, 2025.

Under such circumstances, this application is allowed, by appointing Ms. Debjani Sengupta, learned Advocate (Mob:- 9836724635) as the learned Arbitrator. The parties are at liberty to raise all their claims and counter claims against each other before the learned Arbitrator. All objections with regard to the arbitrability of the dispute, admissibility of the claim, limitation, etc. may also be raised before the learned Arbitrator.

This order is passed subject to compliance of Section 12 of the Arbitration and Conciliation Act, 1996.

The learned Arbitrator shall fix his remuneration in terms of the Schedule of the Act.

AP-COM/867/2025 is accordingly disposed of.

(SHAMPA SARKAR, J.)