

OCD 14

ORDER SHEET
AP-COM/899/2025
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

M/S. CHETAK CRANES AND COMPANY
VS
ANUPAM INDUSTRIES LIMITED

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 9th December, 2025.

Appearance:
Ms. Swati Dalmia, Adv.
Mr. Indranil Karfa, Adv.
Mr. Orijit Chatterjee, Adv.
Ms. S. Mukherjee, Adv.
Ms. Aishi Chatterjee, Adv.
...for the petitioner

Mr. Arnab Dutta, Adv.
...for the respondent

The Court:

1. Affidavit of service is taken on record.
2. This is an application under Section 11 of the Arbitration and Conciliation Act, 1996, for appointment of an arbitrator.
3. The dispute arises out of a Deed of Service dated November 9, 2022, entered into between the parties. The said deed provides for settlement of disputes between the parties through arbitration. The courts of

Kolkata were agreed to have jurisdiction for all purposes. The disputes allegedly arose some time in 2023 for non-payments, and non-return of machines to the petitioner. The notice invoking arbitration was issued on June 18, 2025. The notice indicates the nature of the dispute and a consent was sought for to appoint the nominee of the petitioner as the arbitrator, as stated in the said notice. The respondent did not show any inclination to refer the dispute to arbitration. Under such circumstances, this application has been filed. The dispute resolution clause is quoted below:

“SETTLEMENT OF DISPUTES:

THAT ANY dispute or difference which may arise amongst the Parties or their representatives with regard to the construction, meaning and effect of deed or any part thereof, any other matter relating to the agreement shall be referred to Arbitration. The Arbitration Proceeding shall be governed by the Arbitration Act, 1940 or any other statutory amendments made there under. Jurisdiction for all purposes will be Kolkata.”

4. This Court can entertain this application in view of the jurisdiction clause. The notice invoking arbitration was issued. The same was received by the respondent. Under such circumstances, the application is allowed. All objections and issues shall be decided by the learned Arbitrator.
5. Under such circumstances, the Court appoints Justice Sahidullah Munshi, former Judge of this Court, as the Arbitrator, to arbitrate upon

the disputes between the parties. This appointment is subject to compliance of Section 12 of the Arbitration and Conciliation Act, 1996. The learned Arbitrator shall fix his remuneration as per the Schedule of the Act.

6. AP-COM/899/2025 is, accordingly, disposed of.
7. The respondent is allowed to file vakalatnama within a week.

(SHAMPA SARKAR, J.)