

OCD 11

ORDER SHEET
AP-COM/900/2025
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

RASHMI METALIKS LIMITED
VS
M/S. GRAAND PRIX ENTERPRISES PVT. LTD.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 16th December, 2025.

Appearance:
Mr. Debrup Bhattacharya, Adv.
Ms. Pritha Ghose, Adv.
...for the petitioner

Mr. Aman Agarwal, Adv.
Mr. Adil Rashid, Adv.
...for the respondent

The Court:

1. This application has been filed for appointment of a learned arbitrator, to settle disputes between the parties. The disputes arose out of a purchase order dated January 10, 2025. The petitioner contends to have engaged the respondent for the work of design, engineering, manufacturing, supply, erection, commissioning and installation of a Hydraulic Lift, at the residential premises of the petitioner's director at 'Tirumani Apartments'.

2. The petitioner claims to have made an advance payment of Rs.3,72,500/-. The work was to be executed within four to six weeks from the date of advance payment. It is alleged that, the Hydraulic Lift was not installed. After a lapse of five months, the petitioner cancelled the purchase order and asked for refund of the advance. Ultimately, a new lift was procured through another vendor for a sum of Rs.14,53,500/-.
3. Allegedly, the petitioner suffered significant loss on account of non-execution of the work by the respondent. The petitioner alleges to have suffered damages on account of breach of the terms and conditions in the purchase order. The purchase order dated January 10, 2025 contains an arbitration clause and the parties had agreed to refer all dispute to arbitration. The Courts of Kolkata were agreed to have exclusive jurisdiction. The venue of the said arbitration was also decided to be Kolkata. The petitioner invoked arbitration on September 25, 2025. The respondent did not respond to any of such request. Under such circumstances, the application has been filed.
4. Accordingly, the Court appoints Mr. Rohit Banerjee, learned Advocate, Bar Library Club (Mob :- 9163891670) as the learned 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.

5. All objections which are available to the respondent with regard to jurisdiction, arbitrability, admissibility, limitation etc. are kept open, to be raised before the learned Arbitrator.
6. AP-COM/900/2025 is, accordingly, disposed of.
7. The vakalatnama shall be filed by the respondent within a week after the vacation.

(SHAMPA SARKAR, J.)