

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/901/2025
M/S. CREATION AND ANR.
VS
SRI AVIJIT MUKHERJEE

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 9th December 2025.

Appearance:-

Mr. Aditya Mandal, Advocate
Mr. Washim Akthir Dafader, Advocate
... for the petitioners.
Mr. Joydip Banerjee, Advocate
Ms. Mousmi Banerjee, Advocate
... for the respondent.
Ms. Rupsa Sreemani, Advocate
... for the added partner.

The Court:- This is an application for appointment of an arbitrator for adjudication of the disputes which arose between the partners.

Learned advocate enters appearance on behalf of the added partner.

The arbitration clause is under Clause 18 of the Partnership Deed dated December 24, 2014. The said clause provides as follows:-

“18. ARBITRATION: All disputes and differences by and between the partners hereto in any way relating to or connected with the said business shall be referred for arbitration to the Arbitrator appointed by all the partners mutually, and the same shall to be adjudicated in accordance with The Arbitration and Conciliation Act, 1996 as modified from time to time. The Arbitrator shall have the right to proceed summarily and to make interim awards, as well as final awards which will be binding on all the partners.”

All the parties are within the jurisdiction of this Court.

Disputes arose between the partners with regard to their share of profit. By a notice dated August 18, 2025, arbitration was invoked by the petitioner through a learned advocate. The respondent did not react to the notice invoking arbitration. Under such circumstances, this application has been filed.

Considering the arbitration clause and the fact that the disputes are alive, the application is allowed. This Court appoints Mr. Sarosij Dasgupta as the learned Advocate, Bar Library Club, (Mob. No. 9748919357) 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/her remuneration as per the Schedule of the Arbitration and Conciliation Act, 1996. All objections are kept open to be raised before the learned arbitrator.

(SHAMPA SARKAR, J.)

S. Kumar