

ORDER SHEET
AP-COM/975/2025
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

MACHINERY AGENCIES (INDIA)
VS
BANERGY

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 23rd December, 2025.

Appearance:
Mr. Sagnik Majumdar, Adv.
Mr. Devdas Saha, Adv.
...for the petitioner

Mr. Tanoy Chakraborty, Adv.
Mr. Chhandak Dutta, Adv.
...for the respondent

The Court:

1. The petitioner prays for appointment of an arbitrator in terms of Clause 12 of the Tax Invoice dated July 23, 2025. The said clause provides that all disputes arising out of or concerning the transaction between the parties, in relation to the tax invoice shall be subject to arbitration and the sole arbitrator shall be appointed by the Machinery Agencies (India), i.e., the petitioner.
2. The disputes arose between the parties on account of goods sold and delivered. The learned advocate for the petitioner submits that the fact that such goods were sold is not in dispute. Accordingly, the petitioner is entitled to payment in respect of such goods. Allegation is that the payment was not made in spite of several reminders.

3. According to the learned advocate for the respondent, the petitioner's claim is not acceptable.
4. The petitioner invoked arbitration after all the attempts to resolve the dispute had failed. The notice invoking arbitration was issued on November 10, 2025. The petitioner also nominated an arbitrator. However, the respondent did not take any cognizance of such notice. Hence, this application has been filed.
5. It is also submitted that appointment of an arbitrator unilaterally by the petitioner is prohibited under the law. As such, the Court has been approached by filing the necessary application.
6. Having considered the issues involved, this Court finds that there is a dispute. The notice invoking arbitration was issued on time. Under such circumstances, the application is allowed by referring the dispute to a sole arbitrator. All questions are left open.
7. Accordingly, the Court appoints Mr. Abhidipto Tarafder, learned Advocate (Mob. No.8697194588) 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 own remuneration as per the Schedule of the Act.
8. AP-COM/975/2025 is, accordingly, disposed of.

(SHAMPA SARKAR, J.)