

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

AP-COM/1064/2024

M/S. ARISTOCRAT INTERNATIONAL PRIVATE LIMITED
VS.
M/S. GREENLINE HOTELS

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 2nd January, 2025.

Appearance:

Mr. Supriyo Ranjan Saha, Adv.
..for the petitioner
Mr. Sarosij Dasgupta, Adv.
Ms. Afreen Begum, Adv.
Mr. Tamangshu Saha, Adv.
...for respondent

The Court : This is an application under Section 11 of the Arbitration and Conciliation Act 1996 to arbitrate the disputes between the parties. The disputes arise out of running of a hotel and a guest house.

The arbitration clause is set out hereunder :

"In case any dispute arises between the FIRST PARTY and the SECOND PARTY herein before out of or in relation to this Business agreement then either of them may refer the same to the sole arbitrator for adjudication in accordance with the ARBITRATION and conciliation act 1996 except that equitable relief may also be sought in course of law at KOLKATA."

Jurisdiction of Court is set out hereunder :

"Only the courts at Kolkata shall have the jurisdiction to entertain any proceedings arising out of this contract. The FIRST PARTY shall have the right to enforce any of the terms and condition as drafted in the recitals of the agreement, if violated by the SECOND PARTY, in the competent court of law without any prior notice."

The notice invoking arbitration dated November 22, 2024 was received by the respondent nos. 1 and 2. Mr. Dasgupta submits that he is yet to receive authorisation from the respondent no. 3. Let the vakalatnama on behalf of the respondent No.2 be filed within three weeks in the department along with any other document issued by the respondent No.3 authorising the respondent no. 2 and enabling the respondent No.2 to represent the respondent No.3 in the proceeding before this court. The disputes are alive. The petitioner claims more than a sum of Rs. 4 crores and Mr. Dasgupta submits that the respondent has a counter claim of approximately Rs.3 crores.

Under such circumstances, this Court deems it fit to allow the application by appointing Mr. Rudraman Bhattacharyya (Mob.9830731277), learned Senior Advocate, Bar Library Club, as the sole arbitrator subject to compliance of Section 12 of the Arbitration and Conciliation Act, 1996. The learned arbitrator shall fix his own remuneration as per schedule of the Act.

This Court has not gone into the merits of the matter and the respondent is at liberty to raise all points as may be available.

AP-COM/1064/2024 is, accordingly, disposed of.

(SHAMPA SARKAR, J.)