

OC-3

AP/859/2023
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

SURAJIT INFRASTRUCTURE
VS
BAGARIA REALTY LLP AND ORS.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date : 3rd March, 2025.

Appearance:
Mr. Srijib Chakraborty, Adv.
Mr. Akashdeep Mukherjee, Adv.
Mr. Soummyadeep Nag, Adv.
Ms. Soumali Das, Adv.
. . .for the petitioner.

Mr. Rohit Mukherjee, Adv.
Ms. Sonali Bhattacharya, Adv.
Ms. Megha Das, Adv.
. . .for the respondents.

The Court: The existence of a Dispute Resolution Clause is available from the record and the parties agreed to refer disputes to arbitration in accordance with the Rules of the Indian Council of Arbitration.

In my opinion, the notice invoking arbitration should be in accordance with Rule 15 of the said rules. As the parties had agreed to such procedure. The referral Court cannot alter the terms and conditions of such agreement. Accordingly, the petitioner is at liberty to proceed in accordance with law for resolution of the disputes which have been enumerated in the notice under

Section 21 of the Arbitration and Conciliation Act, 1996, by approaching the proper authority under the ICA Rules.

AP 859 of 2023 is accordingly disposed of.

(SHAMPA SARKAR, J.)

sp/