GAHC010223892025

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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Arb.P./41/2025

SMTI MAJAN BORAH AND 2 ORS
WIFE OF LATE KAMALA KANTA DAS, HOUSE NO 17, BYE LANE NO 11,
ZOO ROAD TINIALI, OPPOSITE AMBIKA PETROL PUMP, P.O- ZOO ROAD,
P.S- GEETA NAGAR, GUWAHATI- 781024, DISTRICT- KAMRUP (METRO)

2: SAMANNAY KASHYAP
SON OF LATE KAMALA KANTA DAS
HOUSE NO 17
BYE LANE NO 11
ZOO ROAD TINIALI
OPPOSITE PETROL PUMP
P.O- ZOO ROAD
P.S- GEETA NAGAR
GUWAHATI-781024
DISTRICT- KAMRUP (METRO)
ASSAM

3: KAULINYA KASHYAP
SON OF LATE KAMALA KANTA DAS
HOUSE NO 17
BYE LANE NO 11
ZOO ROAD TINIALI
OPPOSITE PETROL PUMP
P.O- ZOO ROAD
P.S- GEETA NAGAR
GUWAHATI-781024
DISTRICT- KAMRUP (METRO)
ASSA

VERSUS

ZENITH REAL ESTATE DEVELOPERS (INDIA) PVT LTD AND 2 ORS.
A PRIVATE LIMITED COMPANY HAVING ITS REGISTERED OFFICE AT
RAJGARH ROAD, ULUBARI, P.O.- ULUBARI, P.S.- CHANDMARI,

GUWAHATI-781007, KAMRUP (M), ASSAM, REPRESENTED BY ITS DIRECTORS (1) SRI NAYAN KALITA AGED ABOUT 55 YEARS, S/O HARIDAS KALITA, R/O HOUSE NO. 119, RAJGARH ROAD, PIN-781007, GUWAHATI, KAMRUP (M), ASSAM AND (2) SRI NILIMAY BORA, AGED ABOUT 49 YEARS, S/O LATE NAGENDRA NATH BORA, R/O HOUSE NO. 46, LAKHIMI NAGAR, HATIGAON, GUWAHATI, PIN-781006, KAMRUP (M), ASSAM

2:NAYAN KALITA
THE DIRECTOR OF ZENITH REAL ESTATE DEVELOPERS (INDIA) PVT. LTD.
A PRIVATE LIMITED COMPANY HAVING ITS REGISTERED OFFICE AT RAJGARH ROAD
ULUBARI
P.O.- ULUBARI
P.S.- CHANDMARI
GUWAHATI-781007
KAMRUP (M)
ASSAM

3:NILIMAY BORAH
THE DIRECTOR OF ZENITH REAL ESTATE DEVELOPERS (INDIA) PVT. LTD.
A PRIVATE LIMITED COMPANY HAVING ITS REGISTERED OFFICE AT RAJGARH ROAD
ULUBARI
P.O.- ULUBARI
P.S.- CHANDMARI
GUWAHATI-781007
KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. H. BURAGOHAIN, MS. H BORAH,MS A DEVI,M BURAGOHAIN

Advocate for the Respondent : MR. D P BORAH(R1,2,3), MR U GHOSH(R1,2,3),MR B PAUL(R1,2,3)

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

07.10.2026

Heard learned counsel for the parties.

In deference to the earlier order dated 07.09.2026, this Court upon

hearing the parties had appointed Justice Ajit Borthakur, Former Judge of the Gauhati High Court to act as the sole Arbitrator to arbitrate on the disputes arising by and between the petitioner and the respondent. However, this appointment was subject to the written declaration required to be submitted under Section 12(1) of the Arbitration and Conciliation Act, 1996 by the prospective Arbitrator.

The learned prospective Arbitrator has since furnished his written declaration which has been placed before the Court. By the said declaration, the prospective Arbitrator has disclosed that there is no difficulty or hardship is being appointed as an Arbitrator to arbitrate and resolve the disputes arising between the parties.

The Court has perused the written declaration placed before the Court. In view of the written declaration, the appointment of the prospective Arbitrator Justice Ajit Borthakur, Former Judge Gauhati High Court stands confirmed.

Justice Ajit Borthakur, Former Judge Gauhati High Court is appointed as the sole Arbitrator to arbitrate and decide on the disputes arising by and between the parties. The parties will appear before the learned Arbitrator on 06.11.2026 as per the dates furnished by the parties.

In view of the above, the arbitration petition stands disposed of.

JUDGE

Comparing Assistant