

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/46/2026

M/S. NATURAL RESIDENCY LLP
VS
SIX SEASONS CONCRETEX PRIVATE LIMITED

BEFORE:
THE HON'BLE JUSTICE GAURANG KANTH
Date: 31st March, 2026.

Appearance:
Mr. Sayak Ranjan Ganguly, Adv.
Ms. Srijani Ghosh, Adv.
Mr. Kripa Kami, Adv.
. . .for the petitioner.

The Court: This Court vide order dated 3rd February, 2026 had directed the petitioner to effect service by way of publication. The same has been done.

Despite service, none appears on behalf of the respondent.

Affidavit of service is taken on record.

The present arbitration petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996, seeking appointment of an Arbitral Tribunal comprising of a sole Arbitrator to adjudicate the disputes between the parties arising out of a licence agreement.

It is submitted on behalf of the petitioner that the parties have entered into a licence agreement dated 01.06.2021 whereby the respondent was permitted to use the petitioner's land admeasuring approximately 25600 (Twenty-five Thousand Six Hundred) square feet situated at RR Plot No.15, beside Basanti Highway, near BIT College, upon payment of a monthly licence fee. Upon expiry of the said agreement, the tenure of the licence was further extended by a subsequent agreement dated 26th April, 2022 for a

period of 11 months commencing from 01.05.2022 and expiring on 31.03.2023. According to the petitioner, the respondent defaulted in payment of the licence fee and the licence was not extended thereafter, resulting in termination by efflux of time. However, the respondent allegedly failed to vacate the premises. The respondent thereafter instituted a Title Suit No.265 of 2023 before the learned Civil Judge, Junior Division, Alipore. By order dated 04.03.2023, the learned Court had directed the parties to maintain the status quo in respect of the said premises, which was subsequently vacated by order dated 31.05.2023 observing that the licence agreement contains an arbitration clause. The petitioner thereafter filed a Title Suit bearing No.1422 of 2023.

Upon an application filed by the respondent under Section 8 of the Arbitration and Conciliation Act, 1996, the learned Civil Judge by order dated 14.01.2025, referred the parties in the suit to the arbitration.

Pursuant thereto, the petitioner invoked the arbitration clause by issuing a notice dated 24.03.2025 in terms of Section 21 of the Arbitration and Conciliation Act, 1996 and nominated Mr. Samrat Sen, Senior Advocate as the sole Arbitrator. However, the Arbitral Tribunal could not be constituted as the respondent did not convey its consent.

It is further submitted that although, certain sittings were held, no consensus could be reached regarding the constitution of the Arbitral Tribunal. The petitioner had earlier filed A.P. (Com) No.757 of 2025, which was dismissed by order dated 13.11.2025 granting liberty to the petitioner to approach this Court at an appropriate stage. Thereafter, by letter dated 6th January, 2026, Mr. Samrat Sen, learned Senior Advocate clarified that he had not assumed the office of 'Arbitrator' for adjudication of the disputes, as the respondent had not consented to his appointment.

In view of the aforesaid circumstances, the petitioner has preferred the present petition seeking appointment of an independent sole arbitrator.

Upon consideration of the materials placed on record and the arguments advanced by the learned Counsel for the petitioner Ms. Srijani Ghosh, this Court is satisfied that the arbitration agreement exists between the parties and that disputes have arisen thereunder.

The parties having failed to constitute the arbitral tribunal in accordance with the agreed procedure, this Court deems it appropriate to exercise its jurisdiction under Section 11 of the Arbitration and Conciliation Act, 1996.

Accordingly, this Court appoints Mr. Sayantan Bose, learned Senior Advocate, High Court, Calcutta, (Mob. No. 9830775264) as the sole Arbitrator to adjudicate the disputes between the parties. The learned sole Arbitrator shall make necessary disclosure in accordance with the Section 12 of the Arbitration and Conciliation Act.

All questions relating to arbitrability of the dispute, admissibility of the claims, limitation and other issues are kept open to be urged before the learned sole Arbitrator.

The learned sole Arbitrator shall be entitled to fix the remuneration in accordance with the Fourth Schedule of the Act.

A copy of this order shall be communicated by the petitioner to the learned sole Arbitrator for necessary action.

With the aforesaid directions, the present petition stands disposed of.

(GAURANG KANTH, J.)