

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE

AP/49/2026

RAJESH DUTTA
VS
BHANSALI VALUE CREATION PVT LTD AND ORS

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH

Date : 23rd June, 2026.

Appearance:

Mr. Sayantan Hazra, Adv.

Mr. Emsul Kayes, Adv.

...for the petitioner

The Court: Affidavit of service is taken on record.

Despite service, none appears on behalf of the respondents.

The petitioner has preferred the present petition under Section 11(6) of the Arbitration and Conciliation Act, 1996, seeking appointment of an Arbitrator for adjudication of the disputes arising out of the agreement dated 12.10.2023 executed between the parties.

Learned Counsel for the petitioner submits that disputes and differences have arisen between the parties in connection with the said agreement and that despite invocation of the arbitration clause, no arbitral tribunal has been constituted. It is submitted that as per the arbitration clause contained in the said agreement between the parties, the Courts in Gujarat shall have exclusive jurisdiction to deal with all matters arising out of the arbitration proceedings or the arbitral award.

It is now well settled that where the parties have designated the place of arbitration, such designation ordinarily amounts to the designation of the judicial seat of arbitration unless a contrary intention appears from the agreement. The designation of a seat carries with it the exclusive supervisory jurisdiction of the Court exercising jurisdiction over such seat. The parties have also expressly agreed that the Courts at Gujarat shall have exclusive jurisdiction in respect of disputes arising out of the agreement dated 12.10.2023.

In view of the aforesaid contractual stipulation, this Court is of the *prima facie* view that the jurisdiction to entertain an application under Section 11(6) of the Arbitration and Conciliation Act, 1996 vest in the competent Court exercising jurisdiction over the seat of arbitration at Gujarat and not this Court. Since this Court lacks territorial jurisdiction to entertain the present application, the prayer for appointment of an Arbitrator cannot be considered on merits.

Accordingly, the present petition stands dismissed on the ground of lack of territorial jurisdiction. However, such dismissal shall not prevent the petitioner from approaching the competent Court having jurisdiction over the seat of arbitration and in accordance with law.

It is made clear that this Court has not entered into the merits of the dispute and all rights and contentions of the parties are kept open to be adjudicated by the competent Court having jurisdiction.

(GAURANG KANTH, J.)