

ORDER

OCD – 35

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/244/2026
SREI EQUIPMENT FINANCE LIMITED
VS
ANUJ KUMAR TIWARI AND ANR

BEFORE
HON'BLE JUSTICE GAURANG KANTH
Date: April 27, 2026.

Appearance:-
Mr. Swatarup Banerjee, Adv.
Mr. Sariful Haque, Adv.
Mr. Rajib Mullick, Adv.
Ms. Sonia Mukherjee, Adv.
...for petitioner.
Mr. Dhiraj Kumar Gupta, Adv.
...for respondent.

The Court:- The petitioner has preferred the present petition under Section 14 read with Section 11 of the Arbitration and Conciliation Act, 1996, seeking appointment of a substitute Arbitrator in place of Ratul Biswas, learned sole Arbitrator who withdrew from the office of the Arbitrator vide letter dated 13.06.2025.

Learned counsel for the petitioner submits that this Court vide order dated 09.12.2024, had appointed the sole Arbitrator to adjudicate the disputes between the parties.

It is further submitted that the learned sole Arbitrator conducted five sittings and thereafter vide letter dated 13.06.2025 recused himself from the

arbitral proceedings. Learned counsel for the petitioner further submits that a notice under Section 21 of the Act, was issued on 11.07.2025.

It is submitted that the respondents, vide letter dated 28.10.2025, did not agree to the appointment of the substitute arbitrator as proposed by the petitioner in the said notice. Since, the parties could not arrive at a consensus on a mutually acceptable name, the petitioner has preferred the present petition.

Having considered the materials place on record and the submissions advanced by the learned counsel for the parties, this Court notes the existence of the arbitration agreement between the parties is not in dispute. It is further noted that the learned sole Arbitrator who was earlier appointed had entered upon reference and conducted several hearings before withdrawing from the arbitral proceedings.

In view of such withdrawal, the mandate of the learned sole Arbitrator stands terminated in terms of Section 14(1)(a) of the Arbitration and Conciliation Act, 1996.

Learned counsel for the respondent states that he has no objection to the appointment of a learned sole Arbitrator to adjudicate the disputes between the parties.

Accordingly, this Court appoints Mr. Ayan Kumar Boral, Advocate (Mob No:-9830547806) as the sole Arbitrator to adjudicate the disputes between the parties.

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 appointment of the learned sole Arbitrator shall be subject to compliance with Section 12 of the Arbitration and Conciliation Act, 1996.

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.)