

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/258/2026

M/S.GITA REFRACTORIES PVT LTD
VS
M/S.TUAMAN ENGINEERING LIMITED

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH

Date: 20th April, 2026.

Appearance

Mr. Vinayak Chaubey, Adv.

Mr. Ritika Pipalwa, Adv.

...for the petitioner

Ms. Swarajit Dey, Adv.

Mr. P Banerjee, Adv.

...for the respondent

1. The Court: The present application has been preferred by the petitioner under Section 15(2) of the Arbitration and Conciliation Act, 1996, seeking appointment of a substitute Arbitrator in place of the erstwhile sole Arbitrator, Mr. Reetobroto Kumar Mitra, (his Lordship then was).
2. This Court vide order dated 10.09.2024 appointed the Sole Arbitrator. The learned sole Arbitrator had entered upon reference and had conducted two sittings.
3. However, subsequently, upon his elevation as a Judge of this Court, the learned Sole Arbitrator has expressed his inability to continue with the aforesaid proceedings and has accordingly withdrawn from the office of the Arbitrator.
4. It is further submitted that the Advocate on record of the petitioner had received the communication from the erstwhile Arbitrator intimating

the said development. No steps were initially taken for seeking substitution of the Arbitrator. Upon subsequent enquiry, the petitioner became aware of the status of the proceedings and has engaged the present Counsel to take appropriate steps for substitution of the earlier Arbitrator.

5. Learned Counsel for the respondent states that he has no objection to substitution of the earlier Arbitrator.
6. This Court has heard the Counsel for the parties and has perused the materials on record.
7. In view of the fact that the mandate of the learned sole Arbitrator stood terminated on account of his inability to act consequent upon his elevation as a Judge of this court, this Court is of the considered view that a substitute Arbitrator is required to be appointed in terms of Section 15(2) of the Arbitration and Conciliation Act, 1996.
8. Accordingly, in exercise of the power conferred under Section 15(2) read with Section 11 of the Act, this Court appoints Ms. Aparna Banerjee, learned Advocate (Mob: 9830143023), as the substitute Arbitrator to adjudicate the disputes between the parties.
9. The learned Arbitrator shall enter upon the reference at the earliest and proceed with the proceeding in accordance with law.
10. The learned Arbitrator shall make the necessary disclosure in terms of Section 12 of the Arbitration and Conciliation Act.

11. The learned Sole Arbitrator shall be entitled to fix her remuneration in accordance with the Fourth Schedule to the Arbitration and Conciliation Act, 1996, unless otherwise agreed by the parties.
12. All questions, including those relating to limitation, maintainability of claims, jurisdiction, and merits, are expressly kept open to be decided by the learned Arbitral Tribunal.
13. A copy of this order shall be communicated to the learned Sole Arbitrator forthwith for necessary action.
14. With the aforesaid directions, the present application stands disposed of.

(GAURANG KANTH, J.)