

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/329/2026

SOVA SOLAR LIMITED
VS

AMIYA, COMMERCE AND CONSTRUCTIONS COMPANY PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH

Date : 15th June, 2026.

Appearance:

Mr. Pratip Mukherjee, Adv.

Mr. Surajit Basu, Adv.

...for the petitioner

Mr. Kumarjit Banerjee, Adv.

Ms. Sanchari Chakroborty, Adv.

Ms. Avishikta Biswas, Adv.

...for the respondent

The Court: The petitioner has preferred the present petition under Section 11(6) of the Arbitration and Conciliation Act, 1996, seeking appointment of an independent and impartial Arbitrator for adjudication of the disputes arising out of the work orders dated 14.01.2026 and 22.01.2026. Both the work orders contain an identical arbitration clause.

According to the petitioner, the arbitration clause envisages resolution of the dispute through arbitration in accordance with the rules of Indian Council of Arbitration (ICA). It is, however, submitted that upon making enquiries with the regional office of the ICA, the petitioner was informed of the cost and expected expenses involved in conducting the arbitral proceedings. The petitioner contends that the said costs are substantial and, therefore, has expressed his unwillingness to pursue the arbitration under

the ICA mechanism. It is further submitted that a reference under ICA requires participation of both the parties and compliance with the procedural requirements prescribed thereunder, which may not be agreeable to the respondent.

Learned Counsel for the respondent states that a notice under Section 21 of the Arbitration and Conciliation Act, 1996 has already been issued. He further submits that the respondent is agreeable to arbitration, does not dispute the existence of the arbitration clause in the work orders dated 14.01.2026 and 22.01.2026, and does not insist upon arbitration being conducted under the auspices of the ICA.

In view thereof, with the consent of the parties, Mr. Subhashish Sengupta, Advocate (Mobile No. 9830855276) is appointed as the learned sole Arbitrator to adjudicate the disputes between the parties.

The appointment of the learned sole Arbitrator shall be subject to compliance with Section 12(5) 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.

All issues relating to arbitrability of the disputes, admissibility of the claims, limitation or any other issues are kept open to be urged before the learned sole Arbitrator.

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

(GAURANG KANTH, J.)