

OCD-18

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/354/2026

BLA INFRASTRUCTURE PRIVATE LIMITED
VS
SREE EQUIPMENT FINANCE LIMITED

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH

Date : 22nd May, 2026.

Appearance

Mr. Debdeep Sinha, Adv.
...for the petitioner

Mr. Swatarup Banerjee, Adv.
Mr. Avishek Guha, Adv.
Mr. Sariful Haque, Adv.
Ms. Sonal Agarwal, Adv.
Ms. Arunika Dutta, Adv.

The Court:- The petitioner has preferred the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of a learned Sole Arbitrator to adjudicate the disputes between the parties in connection with the facility agreement bearing no. 138066 dated 27.07.2017 executed between the parties.

Learned Counsel for the petitioner submits that the parties entered into the facility agreement dated 27.07.2017 and pursuant thereto a loan facility of Rs.3,91,68,000/- was advanced by the respondent for the purpose of acquisition of 4 units of Volvo FMX 460 Tippers. It is further contended

that the said Tippers remained hypothecated in favour of the respondent till full repayment of the loan. It is further contended by the learned Counsel for the petitioner that the petitioner has duly repaid the entire loan along with interests in terms of the said agreement. However, despite such repayment the respondent had issued a notice dated 27.01.2023 raising a further demand of Rs.52,18,411.28/- alleging outstanding dues payable by the petitioner. The petitioner disputed the said demand and replied to the notice dated 27.01.2023, by a reply dated 10.01.2024. However, the parties submitted that the disputes could not be amicably resolved.

Thereafter, the petitioner had issued a notice dated 09.04.2025 under Section 21 of the Arbitration and Conciliation Act calling upon the respondent for constitution of the Arbitral Tribunal. The respondent failed and neglected to take steps in furtherance of said notice. In such circumstance, the petitioner has filed the present petition.

At the outset learned Counsel for the respondents state that he has no objection to the appointment of a sole Arbitrator to adjudicate the dispute between the parties.

It is pertinent to mention that this agreement and the arbitration clause is not disputed by either of the parties.

With the consent of the parties, Mr. Rudraman Bhattacharyya, Advocate (Mob.9830731277) is appointed as a learned Sole Arbitrator to adjudicate the disputes between the parties.

The learned Arbitrator shall be at liberty to fix his remuneration in terms of the 4th Schedule of the Act. The learned Arbitrator shall enter upon

reference upon duly complying with the provisions of Section 12 of the Arbitration and Conciliation Act. A copy of this Order shall be communicated to the learned Sole Arbitrator to take necessary steps.

All issues relating to arbitrability of the dispute, limitation or any other dispute shall be decided by the learned Sole Arbitrator in accordance with law.

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

(GAURANG KANTH, J.)

gb.