

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

AP/87/2025
SRI ABHIJIT GORAI AND ORS.
VS
M/S. ROYAL PEARL AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 27th January, 2026.

Appearance:

Mr. Surya Maity, Adv.
Mr. Anirban Chakraborty, Adv.
...for the petitioners
Ms. Upama Bhattacharjee, Adv.
Ms. Subeshna Mitra, Adv.
Mr. Abhijit Banerjee, Adv.
.....for the respondents

The Court: This is an application for appointment of an arbitrator. The petitioners were the land owners of a piece and parcel of land measuring about 84 decimals. The parties entered into a development agreement on 15th February, 2016. It is alleged that owners' allocation was not handed over despite completion of the construction. The construction was completed sometime in the end of 2023. It is also submitted that part consideration is yet to be paid to the land owners. Under such circumstances, disputes arose between the parties. The development agreement contains an arbitration clause. Clause 35 provides that all disputes and differences arising out of the agreement shall be referred to an Advocate, who shall act as an arbitrator. The arbitrator will follow a summary procedure. The Court under whose

jurisdiction the land is situated, shall have exclusive jurisdiction to entertain and determine all actions, suits and proceeding. The land is situated within the limits of Durgapur Municipal Corporation. As such, this Court has the jurisdiction to entertain this application. The petitioners invoked arbitration by a notice dated October 5, 2024. The respondents replied to the same through their learned advocate on December 20, 2024.

Under such circumstances, the application is allowed, leaving the question of arbitrability of the dispute, admissibility of the claim, limitation etc. open and to be decided by the learned arbitrator, if raised.

Ms. Shebatee Datta, learned advocate, (9123785258, 9830785658) is appointed as the learned Arbitrator.

The learned Arbitrator shall comply with the provisions of Section 12 of the Arbitration and Conciliation Act, 1996. The learned Arbitrator shall be at liberty to fix his remuneration as per the schedule of Arbitration and Conciliation Act, 1996.

(SHAMPA SARKAR, J.)