

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

AP/171/2025
RATHINDRA KUMAR GHOSH AND ANR
VS
GANGIKA INFRASTRUCTURE PRIVATE LIMITED AND ORS

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 29th January, 2026.

Appearance:

Mr. Tarique Quasimuddiin, Adv.

Mrs. Zainab Tahur, Adv.

Mrs. Meena Shabnam, Adv.

...for the petitioner

Mr. Souma Subhra Ray, Adv.

Mrs. Aditi Chatterjee, Adv.

Mrs. Anushree Mondal, Adv.

Ms. Neelam Kumari, Adv.

...for respondent nos. 1 and 2

The Court: The petitioner alleges that the respondent nos. 1 and 2, land developers did not comply with the terms and conditions of the development agreement dated January 15, 2019. That the developer had constructed beyond the sanction plan. That unauthorised constructions were liable to be removed. That the owners allocation was not handed over. That the electricity and water connection had not been effected. It is also submitted that despite several letters and correspondences, the developer did not rectify the defects. An application for injunction was filed before the Civil Court. Learned Judge, Commercial Court at Rajarhat restrained the developer from creating third party interest, over the property.

Despite service, none appears on behalf of the respondent nos. 3 and 4 who are also land owners along with the petitioner.

Learned advocate for the developer, that is the respondent nos. 1 and 2 submits that the dispute is primarily between the land owners and the developer. He further submits that the allegations are completely baseless. No unauthorized constructions had been made.

It appears that there are disputes between the parties. The development agreement contains an arbitration clause. The notice invoking arbitration was issued on September 1, 2023.

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. Ipsita Banerjee learned Advocate, Bar Library Club (Mob:- 9830515702) 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.)