

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE

AP/206/2025

DHRUBAJIT CHAKRABORTY
VS
RJ GARDEN PRIVATE LIMITED AND OTHERS

BEFORE:
The Hon'ble JUSTICE GAURANG KANTH
Date : 10th March, 2026.

Appearance
Ms. Sabarnee Chatterjee, Adv.
...for the petitioner

Mr. Niladri Bhattacharjee, Adv.
Mr. Subhrajyoti Mukherjee, Adv.
Ms. Poulami Chattopadhyay, Adv.
...for the respondents

The Court: The present arbitration petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, seeking constitution of an Arbitral Tribunal comprising a sole Arbitrator to adjudicate the disputes between the parties.

Learned Counsel for the petitioner submits that the respondents entered into a sale purchase agreement dated 21.09.2018 for the purchase of a flat. It is the contention of the learned Counsel for the petitioner that the respondents breached the terms and condition of the agreement dated 21.01.2018. She further states that the *ad hoc* charges levied by the respondents are in breach of the contract and the same is denied by the learned Counsel for the respondents. She further states that, till date, the possession of the flat has not been handed over by the respondents which is contrary to the terms and condition of the agreement.

Learned Counsel for the respondents states that the he has no objection to the appointment of the learned Arbitrator.

Clause 18.1 of the agreement records that the disputes between the parties shall be referred to arbitration to be adjudicated upon by a sole Arbitrator. The disputes between the parties arise out of the alleged breach of the terms of the agreement. The notice invoking the arbitration clause was issued on 01.08.2025. Prima facie it appears that disputes have arisen between the parties in terms of the breach of the agreement.

Accordingly, this Court is satisfied that the present case is a fit case for reference to arbitration. Accordingly, this Court appoints Mr. Rohit Banerjee (Bar Library Club), Mobile No- 9163891670 as the sole Arbitrator to adjudicate the disputes between the parties.

All questions regarding the arbitrability of the dispute, admissibility of the claims, limitation and other issues are kept open to be urged before the learned sole Arbitrator.

The appointment of the learned sole Arbitrator shall be subject to compliance under Section 12 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.

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

This Court has not called for any affidavit from the respondents. None of the contentions are deemed to be admitted. The parties are at liberty to agitate all their disputes before the learned Arbitrator.

(GAURANG KANTH, J.)