

ORDER

OCD – 17

IN THE HIGH COURT AT CALCUTTA  
COMMERCIAL DIVISION  
ORIGINAL SIDE

AP-COM/972/2025  
LORDS INN HOTELS AND RESORTS PRIVATE LIMITED  
VS  
MR. TSHERING DOMA ZANGPO

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 20<sup>th</sup> January, 2026.

Appearance:-

Mr. Rachit Lakhmani, Adv.  
Mr. Siddhanth Makkar, Adv.  
Ms. Pooja Sah Makkar, Adv.  
...for petitioner.

Ms. Arunima Lala, Adv.  
Mr. Soumyadeb Sinha, Adv.  
Mr. Soumanjan Bhattacharya, Adv.  
Mr. Sourav Sharma, Adv.  
...for respondent.

The Court:- This is an application for appointment of an arbitrator. The petitioner seeks resolution of the disputes and claims which arose between the parties under the Franchisee and Management Agreement dated November 15, 2021, by appointment of a sole arbitrator in accordance with Article 16.8 which deals with the "Disputes Settlement and Governing Law" as also Clause 16.8.2 of the agreement.

According to the petitioner, in terms of the said agreement, the respondent was required to carry out certain obligations. The respondent is the owner of the hotel and the operation and management thereof was taken over by the petitioner pursuant to the said agreement. The petitioner alleges that the respondent had failed to comply with its obligations and also

defaulted in making requisite payments, thereby committing material breach of the contractual terms. Several demand notices were issued by the petitioner, but the respondent failed and neglected to fulfil its payment obligations and also other obligations under the agreement. It is submitted that the respondent terminated the agreement which is also a part of the dispute. On account of alleged ongoing failure of the respondent to abide by the terms and conditions of the agreement, to pay the petitioner the amount as agreed and in ultimately terminating the agreement, the petitioner sought invocation of the arbitration clause by a notice dated August 22, 2025. The petitioner proposed some names who could act as the learned arbitrator but the respondent did not agree.

Under such circumstances, this application has been filed for appointment of an arbitrator.

Ms. Lala, learned advocate for the respondent submits that the petitioner also did not fulfil its obligations under the agreement. The claims of the petitioner are inadmissible.

Having heard the rival contentions of the parties, it appears that there are disputes between the parties. All objections available to the respondent are kept open.

Under such circumstances, this application is allowed. Mr. Amal Ray, Senior Advocate [Mobile: 9830088212], is appointed as the learned arbitrator to resolve the disputes between the parties. This appointment is subject to compliance of Section 12 of the Arbitration and Conciliation Act, 1996. The

learned Arbitrator shall fix his remuneration, in terms of the Schedule of the Act.

(SHAMPA SARKAR, J.)

S. Kumar / RDB