

(2018) 05 CAL CK 0043
In the Calcutta High Court
Case No : AP 258 OF 2018

SETHI CONSTRUCTIONS

APPELLANT

Vs

KOLKATA WEST INTERNATIONAL CITY PVT. LTD.

RESPONDENT

Date of Decision : 08-05-2018

Acts Referred:

Arbitration and Conciliation Act, 1996 — Section 11(6), 11(6A)

Citation : (2018) 05 CAL CK 0043

Hon'ble Judges : ASHIS KUMAR CHAKRABORTY

Bench : Single Bench

Advocate : R. Sarkar, D. Dinda, S. Sengupta, I. Karfa

Final Decision : Disposed Off

Judgement

The Court : In this application under Section 11(6) of the Arbitration of Conciliation Act, 1996, the petitioner has prayed for appointment of an arbitrator for adjudication of disputes between the parties relating to the contract dated April 10, 2010. There is no dispute between the parties that the said agreement contains an arbitration clause for adjudication of the disputes, if any, arises between the parties.

By a letter dated December 15, 2017 the petitioner invoked the arbitration agreement and called upon the respondent to appoint an arbitrator. Thus, the provisions contained in sub-Section (6A) of Section 11 of the Act of 1996 inserted by the amending Act of 3 of 2016 are squarely applicable in this case.

Accordingly, when there is no dispute between the parties with regard to the existence of the arbitration agreement, in view of the decision of the

Honâ??ble Supreme Court in the case of M/s. Duro Felguera, S.A. vs. M/s. Gangauram Port Ltd.; reported in 2017(12) SCALE 33, the present

application of the petitioner should succeed.

Accordingly, Ms. Chameli Majumdar, the former Technical Member of the Central Administrative Tribunal, Mumbai is appointed as the sole arbitrator

to adjudicate the disputes between the parties relating to the agreement dated April 10, 2010. With above direction, AP 258 of 2018 stands disposed

of. There shall be however, no order as to costs.