

Arb.P. 2/2015

BEFORE

HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI

Heard Mr. S. U. Ahmed, learned counsel for the petitioner. Also heard Mr. S. Islam, learned counsel, appearing for respondent No. 1, and Ms. S. Kanungoe, learned counsel, appearing for respondent No. 2.

This application under Section 11 of the Arbitration and Conciliation Act, 1996, is filed praying for appointment of an arbitrator for adjudicating the dispute that has arisen between the parties.

Respondent Nos. 1 and 2 as the first party and the petitioner as the second party had entered into an agreement dated 21.01.2012 in connection with development of land. Clause 12 of the said agreement provides for arbitration to the effect that all disputes and differences between the parties shall be referred to arbitration consisting of two arbitrators, one by each of the parties and the two arbitrators, so appointed, will appoint an umpire for settlement of the disputes.

The petitioner raised a dispute vide letter dated 04.08.2014, addressed to the respondents, and appointed Mr. Sailendra Sarma, Advocate, as the arbitrator from his side. The respondents did not respond and it is in this circumstance the petitioner has approached this Court for appointment of an arbitrator. Learned counsel for the respondents do not deny the existence of a dispute between the parties and submit that an arbitrator may be appointed on their behalf and that the arbitrator appointed by the petitioner and the arbitrator appointed by the Court will decide on the umpire to be appointed.

Having regard to the aforesaid submissions, Sri Basanta Kumar Sarma, a retired District Judge, who is a resident of Gaguni Rabha Path, Jatia, is appointed as arbitrator for respondent Nos. 1 and 2, who are the first party in the agreement dated 21.01.2012.

With his appointment, this Arbitration Application stands disposed of.