

Arb.P. No. 01/2022

M/S MAHABIR PRASAD AGARWALA

PETITIONER (S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT (S)

For Petitioner : Ms. Pritima Sunam, Advocate.

For Respondents : Ms. Sangita Pradhan, Asst. Solicitor General.

Date: 20/05/2022

CORAM :

HON'BLE MR. JUSTICE BISWANATH SOMADDER, CHIEF JUSTICE

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JUDGMENT: (per the Hon'ble, the Chief Justice)

This arbitration petition has been filed by the petitioner seeking appointment of an independent Arbitrator and/or a Panel of Arbitrators, if permissible, from the three names given in letters dated 12th October, 2021 and 1st November, 2021, of the petitioner for adjudication of disputes/claims, etc. between the parties before this Court.

By an order dated 18th February, 2022, this Court had directed the parties to exchange affidavits. Consequent thereto, an affidavit has been filed on behalf of the respondents (Union of India & Ors.), although, no reply thereto has been filed on behalf of the petitioner.

Perusing the affidavit filed on behalf of the Union of India and others, it is noticed that the respondents have submitted that any retired Judge of this Court or the Hon'ble High Court at Calcutta may be appointed as an Arbitrator in order to adjudicate upon the disputes which have arisen between the parties. Paragraph 5 of the respondents' affidavit is required to be noticed in this context and the same is reproduced hereinbelow:-

"The respondents respectfully submit that the petitioner has selected and proposed the names of three arbitrators of their choice vide Annexure P12, which



is contrary to law and not acceptable to the respondents. The respondents further submits that any retired Judge of this Hon'ble Court or the Hon'ble High Court of Kolkata may be appointed as an arbitrator, if any, to be appointed in the instant matter."

In view of the stand taken by the respondents, as reproduced hereinabove, this Court appoints Hon'ble Mr. Justice Pranab Kumar Chattopadhyay, a retired Judge of the High Court at Calcutta, as the Sole Arbitrator to adjudicate upon the disputes between the parties. He shall dispose of the arbitral proceeding as expeditiously as possible, in accordance with law.

The instant application stands disposed of accordingly.

(Biswanath Somadder)
Chief Justice

jk/ami

