

Ravi Kumar and ors. Vs. A. P. Floriculture Pvt. Ltd. and anr.

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Court : Kolkata

Decided On : Apr-11-2014

Judge : Sanjib Banerjee

Appellant : Ravi Kumar and ors.

Respondent : A. P. Floriculture Pvt. Ltd. and anr.

Judgement :

AP No.346 of 2003 IN THE HIGH COURT AT CALCUTTA Ordinary Original Civil Jurisdiction ORIGINAL SIDE RAVI KUMAR & ORS.Versus A.P.FLORICULTURE PVT.LTD.& ANR.

BEFORE: The Hon'ble JUSTICE SANJIB BANERJEE Date : April 11, 2014.

Appearance: Mr.A.C.Kar, Adv.Mr.Asish Chakraborty, Adv.Mr.Mohit Gupta, Adv.The Court : Since the award-holders may not have had adequate opportunity to be represented upon the arbitration proceedings being carried to Delhi, a suggestion was made by Court to the award-holders to agree to a fresh reference upon the award impugned being set aside.

In view of the fair stand taken by the award-holdeRs.the award dated September 9, 2003 is set aside by consent of the parties and by further consent of the parties all disputes between the parties covered by either agreement dated March 14, 1999 or October 13, 1999 are referred to Mr.Ajoy Krishna Chatterjee, Sr.Advocate.

The parties have agreed that no question as to the maintainability of the reference on the ground of delay would be taken by either side.

The respondents herein have agreed to file their statement of claim within a period of three weeks from date and the petitioners have agreed to file their counter-statement within three weeks thereafter.

The respondents have agreed to file the rejoinder to the counter-statement, if necessary, within a period of three weeks from the date of receipt of the counter-statement.

The parties indicate that the reference should take no more than eight months after the completion of pleadings.

The parties have agreed that the arbitrator will be paid a consolidated remuneration of Rs.12 lakh to be shared by them in equal measure.

The arbitrator may also fix the expenses on account of secretarial services at the fiRs.sitting in consultation with the parties.

Since ad valorem Court fees of Rs.3,87,022/- had been tendered at the time of the petition being filed and it has now come to be accepted that maximum Court fees of Rs.50,000/- are payable on a petition challenging an award, the petitioners will be entitled to refund of the balance sum deposited with the Registrar, Original Side, less the Registrars usual commission.

AP No.346 of 2003 is disposed of without any order as to costs.

Certified website copies of this order, if applied for, be urgently supplied to the parties subject to compliance with all requisite formalities.

(SANJIB BANERJEE, J.) sg.

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