

Naba Kumar Sarkar Vs. Eastern Coalfields Limited and anr.

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Court : Kolkata

Decided On : May-16-2014

Judge : Sanjib Banerjee

Appellant : Naba Kumar Sarkar

Respondent : Eastern Coalfields Limited and anr.

Judgement :

GA No.667 of 20143 AP No.11 of 2008 IN THE HIGH COURT AT CALCUTTA Ordinary Original Civil Jurisdiction NABA KUMAR SARKAR Versus EASTERN COALFIELDS LIMITED & ANR.

BEFORE: The Hon'ble JUSTICE SANJIB BANERJEE Date : 16th May, 2014.

Appearance: Mr.Partha Ghosh, Adv.Ms.Sanchita Barman Roy, Adv.The Court : The application, GA No.667 of 2014, is in aid of AP No.11 of 2008 which is a request under Section 11 of the Arbitration and Conciliation Act, 1996.

In AP No.11 of 2008, an order was made on February 14, 2008 referring the request to the Chief Justice to appoint an arbitrator.

In the practice that was followed in this Court prior to a Supreme Court directive arresting the same, the Judge taking arbitration matters had to process the request under Section 11 at the initial stage but the naming of the arbitrator was left to be done either by the Chief Justice or another Judge designated by the

Chief Justice.

Since it is evident that the arbitrator has not been named, GA No.667 of 2014 and AP No.11 of 2008 are disposed of by appointing Mr.Kallol Bose, Advocate, as arbitrator to adjudicate upon the disputes between the parties covered by the arbitration agreement at a consolidated remuneration of Rs.3 lakh to be shared by the parties in equal measure.

The parties reckon that the reference should take any more than ten weeks from the date of completion of pleadings.

The petitioner has agreed to file the statement of claim within a period of four weeks after the summer vacation; the Eastern Coalfields Limited has agreed to file its counterstatement and counter-claim within four weeks thereafter.

There will be no order as to costs.

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

(SANJIB BANERJEE, J.) kc.

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