OCD-74

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/845/2026

MOLLA MOHAMMAD ABDUL KABIR
VS
MOHAMMAD ZAKARIA KHAN

BEFORE:
The Hon'ble JUSTICE GAURANG KANTH
Date : 14th October, 2026.

Appearance:
Mr. Siddhartha Banerjee, Adv.
Mr. Rahul Karmakar, Adv.
Mr. Abhishek Baran Das, Adv.
Mr. Arko Chandro Roy, Adv.
Ms. Triparna Sarkar, adv.
...for the petitioner

Mr. Sarosij Dasgupta, Adv.
Ms. Farah Anjum, Adv.
...for the respondent

The Court: The petitioner has preferred the present petition under Section 9 of the Arbitration and Conciliation Act, 1996 seeking, inter alia, appointment of a Receiver in respect of the property at 4/1, Gobinda Chandra Dhar Lane, Kolkata – 700 001, and interim orders restraining the respondent from inducting any further occupants, collecting rents or creating any third-party interest in respect of the said property.

Learned Counsel for the parties jointly submit that, without going into the merits of the matter, they are agreeable to the appointment of a sole Arbitrator to adjudicate the disputes and differences that have arisen

between the parties under the Development Agreement dated 7th November, 1992, which contains an arbitration clause.

In view of the same and with the consent of the parties, this Court appoints Mr. Rudraman Bhattacharyya, Senior Advocate, (Mobile No. 9830731277) as the learned sole Arbitrator to adjudicate the disputes between the parties.

The learned Sole Arbitrator shall enter upon the reference after making the disclosure in terms of Section 12(1) of the Act and subject to the provisions of Section 12(5) thereof.

The learned sole Arbitrator shall be entitled to fix the remuneration in accordance with the Fourth Schedule of the Act or as may be mutually agreed between the parties.

The present petition under Section 9 of the Arbitration and Conciliation Act, 1996 shall be treated as an application under Section 17 of the Act before the learned Arbitrator to be decided on merits.

A copy of this order shall be communicated by the petitioner to the learned sole Arbitrator for necessary action.

It is clarified that all questions relating to the arbitrability of the disputes, maintainability, the admissibility of the claims, limitation, jurisdiction, and all other issues are left open to be urged before the learned Sole Arbitrator, who shall decide the same in accordance with law.

With the aforesaid directions, the present petition stands disposed of.

(GAURANG KANTH, J.)

R.Bhar