OCD- 19

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/834/2026
SHRI MALAY GHOSH
VS
SHRI RUDRA ROY

BEFORE:
The Hon'ble JUSTICE GAURANG KANTH
Date : 12th October, 2026.

Appearance:-
Mr. Saptarshi Bannesrjee, Adv.
Ms. Satarupa Ghatak, Adv.
…for petitioner.

Mr. Sayak Ranjan Ganguly, Adv.
Ms. Srijani Ghosh, Adv.
…for respondent.

The Court: - Learned counsel for the petitioner preferred the present petition under Section 11(6) of the Arbitration and Conciliation Act, 1996, seeking appointment of sole Arbitrator in terms of disputes and differences that have arisen between the parties out of Partnership Deed dated 21st November, 1977 and the reconstituted Deed dated 29th February, 2016.

Learned counsel for the parties submits that the disputes and differences had arisen between the parties in relation to the business accounts, stocks and access to the books of the firms. The petitioner had invoked the arbitration by issuing notice under Section 21 of the Act dated 20th November, 2024.

The respondent does not dispute the existence of the partnership deed as well as reconstituted partnership deed. The respondent had replied to the said notice wherein he had acknowledged the existence of

the dispute and had nominated a counsel to adjudicate the disputes between the parties.

Since the arbitration clause as contained in the deed is not disputed, the parties consent to the appointment of a sole Arbitrator instead of an Arbitral Tribunal as provided in the partnership deed.

With the consent of the parties, this Court appoints Mr. Shouveek Ray, Advocate (Mobile No:- 9830477773) as an Arbitral Tribunal to adjudicate the disputes between the parties.

The Arbitral Tribunal 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 Arbitral Tribunal shall fix his remuneration in terms of the Fourth Schedule of the Act or as may be agreed between the parties.

The petitioner shall communicate this order to the learned Arbitral Tribunal for taking necessary steps within one week.

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 arbitrator, who shall decide the same in accordance with law.

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

(GAURANG KANTH, J.)

R. D. Barua