OCD-14

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/1017/2025

PRAHLAD CHAND AGARWAL AND ANR
VS
SKDJ SKY HEIGHT LLP AND ORS

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

Appearance:
Mr. Swatarup Banerjee, Adv.
Mr. Shankharit Chakraborty, Adv.
Ms. MouSaha, Adv.
..for the petitioners

Mr. Rajarshi Banerjee, Adv.
Ms. Suranjana Chatterjee, Adv.
Mr. Kaustav De Sarkar, Adv.
..for the respondent nos.1 to 12

Syed MoyeenulArefin, Adv.
..for the respondent nos.13 to 16

The Court: The petitioners have preferred the present petition under Section 9 of the Arbitration and Conciliation Act, 1996, seeking injunction upon the respondents from alienating, creating any third party rights in respect of the immovable property belonging to the Limited Liability Partnership entity namely, SKDJ Sky Height LLP, situated at 125B, Buroshibtala Main Road, Kolkata 700038, P. S. Behala. The petitioners have also sought other reliefs.

Without going into the merits of the matter, learned Counsel for the parties submit that they are agreeable to the appointment of a sole Arbitrator in terms of the agreement dated 8th April, 2015, which contains an arbitration clause.

Learned Counsel for the respondent nos.1 to 12 and the respondent nos.13 to 16 consent to the appointment of an Arbitrator to adjudicate their disputes in terms of the said agreement.

Accordingly, with the consent of the parties, this Court appoints Mr. Utpal Bose, Senior Advocate (Mobile No. 9831016308) as the learned sole Arbitrator to adjudicate the disputes and differences that have arisen between the parties out of the said agreement.

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.

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

The present application under Section 9 shall be treated as an application under Section 17 before the learned Sole Arbitrator.

It is clarified that all questions relating to the arbitrability of the disputes, maintainability, claim, counter-claim, 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.)

bp.