

OCD-1 & 2

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
(Commercial Division)
ORIGINAL SIDE

AP/231/2019

PREMCO RAIL ENGINEERING LTD
VS
KESAR MULTIMODAL LOGISTICS LTD

With

AP/44/2018
IA NO: GA/5/2018(Old No:GA/2507/2018),
GA/6/2018(Old No:GA/2508/2018)

PREMCO RAIL ENGINEERS LTD
VS
KESAR MULTIMODAL LOGISTICS LTD

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 12th December, 2023.

Appearance:

Mr. Sourav Kr. Mukherjee, Adv.

Mr. Chandra Sekhar Jha, Adv.

Mr. Aditya Kumar, Adv.

Mr. Rohit Das, Adv.

Mr. K.Rahman, Adv.

Mr. P. Majumdar, Adv.

Ms. S. Roy, Adv.

The Court : This is an application for recalling of an order dated 6th February, 2018, passed by a Coordinate Bench in an application under Section 11(6) of the Arbitration and Conciliation Act, 1996.

By an order dated 6th February, 2018, a consent order was passed whereby instead of three named Arbitrators as stipulated in Clause 7.2 of the

contract dated 14th January, 2015, the parties had agreed for appointment of a Sole Arbitrator. Thus, the arbitration agreement, by consent stood modified and a Senior Advocate of this Court was appointed as Sole Arbitrator.

It is contended on behalf of the applicant that no consent has been given to the Advocate appearing on behalf of the applicant. Pursuant to the order dated 6th February, 2018, there has been a change of Advocates on behalf of the applicant. The applicant seeks an opportunity to take instructions and file an Affidavit affirmed by the erstwhile Advocate.

In such view of the matter, let this matter appear on 9th January, 2023.

In the meantime, the applicant is directed to obtain necessary instructions and file an appropriate application.

(RAVI KRISHAN KAPUR, J.)

S.Bag