

ORDER SHEET
AP-COM/258/2024
[Old Case No. AP/163/2022]
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

PHOENIX OVERSEAS LIMITED
VS
NATRAJ PROTEINS LIMITED

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 13th May, 2025.

Appearance:
Mr. Bhaskar Roy, Adv.
Ms. Megha Chanda, Adv.
...for the petitioner

Mr. Rajib Ghosh, Adv.
...for the respondent

The Court:

1. The respondent prays for an adjournment. In my prima facie view this is a fit case for appointment of an arbitrator as the mechanism provided under the arbitration clause, for reference of dispute to an Arbitral Tribunal, to be appointed under the SOPA Rules has failed. The petitioner approached SOPA for initiating an arbitration proceeding, for settlement of the dispute between the parties. SOPA remained silent.

2. Under such circumstances, the petitioner has no other option but to apply before this Court for reference of the dispute. The petitioner also submits that the petitioner would not have any objection if the arbitration is held at Indore. The objection raised by the respondent is mainly with regard to jurisdiction. The other objections with regard to admissibility of the claim and the validity of the dispute are not to be decided by a referral court. When SOPA failed to take steps after being approached by the petitioner, the mechanism prescribed under the clause has failed. Moreover, part cause of action arose within the jurisdiction of this Court.
3. However, to give the parties one last opportunity to take appropriate steps, the matter is adjourned. The matter will be listed before this Court on 16th June, 2025, under the heading 'Specially Fixed'.

(SHAMPA SARKAR, J.)