

**IN THE HIGH COURT AT CALCUTTA**  
[ CIRCUIT BENCH AT PORT BLAIR ]

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**AP/1/2025**

M/s Rochem Separation Systems (India)

Vs.

The Chief Engineer and another

Ms. Anjili Nag, Sr. Adv

Ms. Anoushka Singh ... for the petitioner

Mr. Shatadru Chakraborty, Sr. Adv.

Mr. Dibesh Dwivedi ... for the respondents

April 11, 2025  
[SR]  
Item No.25

Records reveal that a Coordinate Bench of this Court earlier on 24<sup>th</sup> March, 2025 upon observing that *‘prima facie it appears that the appointment of the sole arbitrator unilaterally is contrary to the decision of the Constitution Bench in **Central Organization for Railway Electrification vs. M/s ECI SPIC SMO MCML (JV) A Joint Venture Company**, reported in **2024 SCC OnLine SC 3219**’* adjourned the matter to enable Mr. Shatadru Chakraborty, learned senior advocate appearing for the respondents *‘to obtain necessary instruction if an arbitrator could be appointed by the Court to resolve the impasse as in the event it is ultimately found that such unilateral appointment is de hors the law laid down by the Hon’ble Supreme Court the expenditure likely to be incurred by the parties would ultimately cause injustice to the parties’.*

Today Mr. Chakraborty informs this Court that necessary instruction has already been sought for but the same has not yet been received.

The learned advocates jointly submit that the earlier order dated 24<sup>th</sup> March, 2025 and the present order would be

intimated to the learned Arbitrator so that the hearing of the dispute may be deferred.

In view thereof, list the matter for further consideration before the next available Circuit Bench on 10<sup>th</sup> June, 2025, subject to the convenience of the Hon'ble Court.

**( Tapabrata Chakraborty, J. )**