

ITEM NO.37

COURT NO.10

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).32255/2011

(From the judgement and order dated 06/09/2011 in AP No.394/2009 of
The HIGH COURT OF CALCUTTA)

M/S CHOUDHURY CONSTRUCTION

Petitioner(s)

VERSUS

STATE OF WEST BENGAL

Respondent(s)

(With prayer for interim relief)

Date: 05/12/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s)

Mr. Soumya Chakraborty, Adv. for
Mr. Dharam Bir Raj Vohra, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

One of the grievances raised by Mr. Soumya Chakraborty, learned counsel for the petitioner in this Special Leave Petition is the procedure adopted by the designate Judge of the Chief Justice of the Calcutta High Court while hearing petition under Section 11 of the Arbitration and Conciliation Act, 1996 (for short "1996 Act"). Learned counsel submits

that although the Designate Judge has held that there

2

are live disputes between the parties which have to be resolved through arbitration but as the parties have failed to agree in the composition of the Arbitral Tribunal, the matter has been ordered to be placed before the Chief Justice.

Learned counsel further submits that this procedure is unknown in law and not sanctioned by Section 11 of the 1996 Act.

Let the Registrar General, Calcutta High Court
be impleaded as party respondent No. 2 in this Special
Leave Petition and notice be issued to both the
respondents limited to this aspect returnable in six
weeks.

Dasti, in addition to ordinary process, is
permitted.

(Pardeep Kumar)
Court Master

(Renu Diwan)
Court Master