

JP-01
Ct No.07
16.06.2026
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Civil Appellate Jurisdiction

A.P. 6 of 2026

Axioma Builders
Vs
Sri Uttam Dey

Mr. Subham Ghosh
Mr. Mayank Roy

.... for the petitioner.

- 1.** Affidavit-of-service filed in court today be kept on record.
- 2.** It transpires therefrom that despite attempt to serve at the address of the respondent at which the respondent was served a notice under Section 21 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as “the 1996 Act”), which is evident from the track report annexed at page-52 of the present application, the service has been returned with the endorsement “insufficient address”.
- 3.** Thus, it is clear that the respondent is deliberately avoiding service. Hence, I construe that good service has been effected on the respondent and take up the hearing of the present application under Section 11 of the 1996 Act ex parte.

4. The dispute arises out of an agreement in the nature of a development agreement dated June 21, 2023.
5. Article XIII of the said agreement contains an arbitration clause in respect of any dispute, difference or question arising between the parties with regard to the agreement.
6. From the application as well as the notice under Section 21, it is evident that the dispute between the parties is otherwise arbitrable and comes specifically within the ambit of the arbitration clause.
7. The notice under Section 21 of the 1996 Act was served on the respondent on April 25, 2026.
8. Accordingly, since more than a month has elapsed thereafter without any consent or response on the part of the respondent, the matter is fit for appointment of an Arbitrator under Section 11 of the 1996 Act.
9. Accordingly, Mr. Sudipto Kumar Majumder, learned Senior Advocate practising in this court, is appointed as the sole Arbitrator to resolve the dispute between the parties by way of arbitration, subject to a declaration being given by Mr. Majumder under Section 12 of the 1996 Act.

10. The Registry will communicate this order to Mr. Majumder at the earliest, seeking such response under Section 12 of the 1996 Act.
11. The remuneration and other provisions with regard to such arbitration shall be governed by the 1996 Act and its Schedules.
12. A.P. 6 of 2026 is disposed of in the light of the above observations without any order as to costs.
13. Urgent certified copies, if applied for, be given to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)