

OCD-7

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/209/2026

SHRI SANJAY KUMAR AGARWAL
VS
PRIT VIHAR CO OPERATIVE HOUSING SOCIETY LTD AND ORS

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH

Date : 17th July, 2026.

Appearance:

Mr. Rishav Kumar Singh, Adv.
Mr. Sagar Kumar Mishra, Adv.
Mr. Aurin Chakraborty, Adv.
Mr. Soumalya Dutta, Adv.
...for the petitioner

Mr. R. A. Singh, Adv.
Mr. Supriya Ranjan Saha, Adv.
Mr. Sagar Kanojia, Adv.
Mr. R. A. Roy, Adv.
...for the respondent

The Court: The petitioner has preferred the present petition under Section 9 of the Arbitration and Conciliation Act, 1996, seeking various interim orders in relation to the construction contract executed between the parties for a project situated at Premises No. 93-2222, Plot No. DC-203, Action Area I, New Town, Kolkata.

At the outset, learned Counsel for the parties submit that an Arbitrator can be appointed to adjudicate the disputes between the parties.

In view of the same, and with the consent of the parties, this Court appoints Mr. Mainak Bose, Senior Advocate, (Mobile No. 9432512323) as the learned sole Arbitrator to adjudicate the disputes between the parties.

The appointment of the learned sole Arbitrator shall be subject to compliance with Section 12(5) of the Arbitration and Conciliation Act, 1996.

The learned sole Arbitrator shall be entitled to fix the remuneration in accordance with the Fourth Schedule of the Act or as may be mutually agreed between the parties.

The present petition under Section 9 of the Arbitration and Conciliation Act, 1996 shall be treated as an application under Section 17 of the Act before the learned Arbitrator to be decided on merits.

A copy of this order shall be communicated by the petitioner to the learned sole Arbitrator for necessary action.

It is clarified that all questions relating to the arbitrability of the disputes, the admissibility of the claims, limitation, jurisdiction, and all other issues are left open to be urged before the learned Sole Arbitrator, who shall decide the same in accordance with law.

With the aforesaid directions, the present petition stands disposed of.

Parties are at liberty to act on the server copy of this order.

(GAURANG KANTH, J.)