

ITEM NO.51

COURT NO.5

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No. 8221/2020

[Arising out of impugned final judgment and order dated 05-12-2019 in AP No. 69/2019 passed by the High Court at Calcutta]

THE BRAITHWAITE BURN AND JESSOP
CONSTRUCTION COMPANY LIMITED

Petitioner(s)

VERSUS

GENERAL MANAGER SOUTH EASTERN RAILWAY

Respondent(s)

Date : 14-08-2026 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) : Mr. Sanjib Mal, Adv.
Mr. Atanu Roy Chowdhury, Adv.
Ms.Sayaree Basu Mallick, AOR

For Respondent(s) : Mr. Raghavendra P.shankar, A.S.G.
Ms. Nachiketa Joshi, Adv.
Mr. Praneet Pranav, Adv.
Mr. Devraj Bhattacharjee, Adv.
Ms. Priyanka Das, Adv.
Mr. Amit Sharma-v, Adv.
Mr. Sachin Sharma, Adv.
Mr. Amrish Kumar, AOR

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

1. We heard Mr. Sanjiv Mal, the learned counsel appearing for the petitioner, and Mr. Raghavendra P.Shankar, the learned

ASG appearing for the respondent.

2. This petition arises from the judgment and order passed by the High Court of Calcutta (Ordinary Original Civil Jurisdiction) in AP No.69/2019 by which the application preferred by the petitioner under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short "The Act, 1996") for appointment of an independent Arbitrator came to be rejected.

3. In the course of today's hearing, we suggested to both the learned counsel that let the dispute between the parties be resolved through an Arbitrator that we may suggest. Both the learned counsel graciously accepted our suggestion and has left to us to appoint an independent Arbitrator.

4. We appoint Hon'ble Mr. Justice Bhaskar Bhattacharrya, Former Chief Justice of the Gujarat High Court to act as the Arbitrator between the parties.

5. The fees of the Learned Arbitrator along with the other modalities, shall be fixed in consultation with the parties.

6. The parties shall immediately get in touch with the learned Arbitrator.

7. The Registry shall inform about this order at the

earliest to Hon'ble Mr. Justice Bhaskar Bhattacharrya, the learned Arbitrator.

8. With the aforesaid, the Special Leave Petition stands disposed of.

9. Pending application(s), if any, stands disposed of.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)