

HIGH COURT OF SIKKIM : GANGTOK
Record of Proceedings

Arb.P. No. 02/2024

MR. CB HANG YAKU RAI

PETITIONER (S)

VERSUS

M/S A.K. BUILDERS

RESPONDENT (S)

For Petitioner : Mr. M. N. Dhungel, Advocate.

For Respondent : Mr. Sudesh Joshi, Mr. Adarsh Gurung and Ms. Gazala Parvin, Advocates.

Date: 03/12/2024**CORAM:**

HON'BLE MR. JUSTICE BISWANATH SOMADDER, CHIEF JUSTICE

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ORDER

This is an application under section 11 of the Arbitration and Conciliation Act, 1996 (as amended till date), for appointment of an Arbitrator.

Having heard the learned Advocates for the parties and upon perusing the instant application, this Court is of the view that there is an arbitrable dispute which has arisen and which requires adjudication by an Arbitral Tribunal comprising of a sole Arbitrator.

During the course of hearing, this Court asked the learned Advocates of both parties to name any learned Senior Advocate of this Court who could be nominated as the learned sole Arbitrator to adjudicate upon the dispute between the parties. Both the learned Advocates have come up with one common name; that of a designated Senior Advocate of this Court, namely, Shri Asutosh Moulik.

Mr. Moulik may be appointed as a sole Arbitrator for adjudication of the disputes which may have arisen between the parties. It will be open to the learned Arbitrator to select the venue of arbitration and also determine his fees as well as the required fees/charges for secretarial assistance. The learned Arbitrator may initiate the arbitral proceeding as expeditiously as possible, preferably within a period of four (4) weeks from date of communication of a

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photostat certified copy of this order. The learned Arbitrator is also requested to conclude the arbitral proceeding within a reasonable period of time.

Since no affidavits were called for, allegations made in the instant arbitration petition shall be deemed to have been not admitted by the respondents.

The application is, accordingly, disposed of.

(Biswanath Somadder)
Chief Justice

jk/ab/ami