

Issue No:5

Dear All,

Greetings to you all,

CASE STUDY

COURT : IN THE HIGH COURT AT CALCUTTA

Parties to the Case: IRCON INTERNATIONAL LTD. Versus M/S. S.R. ASSOCIATED CONSTRUCTION CO. P. LTD.

Case No: A.P.No:234 OF 2008

Judgment dated: 06.01.2009

Judge: Hon'ble JUSTICE INDIRA BANERJEE

The question that arose before the Calcutta High Court was as follows:-

Whether an arbitrator after resignation can withdraw his resignation ?

The brief facts of the case is that an Arbitrator after 84 sittings had resigned in view of the reprehensible conduct of one of the directors of the Claimant. The Learned arbitrator after receipt of the letter from the respective Advocate has revised his decision to resign and decided to continue with the arbitration.

Held

“Counsel appearing on behalf of the petitioner submitted that on tendering his resignation, the learned Arbitrator became functus officio. It was not open to the Arbitrator to withdraw his resignation. Counsel for the petitioner submitted that there was no request from the petitioner to the Arbitrator to withdraw his resignation. The Arbitrator having once resigned, it is doubtful whether the resignation could have been withdrawn on the request of one of the parties without obtaining the consent of the petitioner.”

***The contents of the above Judgment is available in
http://www.judis.nic.in/Kolkata/Judge_Result_Dispatch.asp***

Quotable Quotes

“I realised that the true function of a lawyer was to unite parties....” Mahatma Gandhi

Up Coming Events:

The Inauguration of the CNICA and CNICA Mediation Center at Kanyakumari District on 7th March 2009 has been postponed. We shall duly keep you posted of the same.

We appreciate your inputs, suggestions and contributions in this regard. We welcome all to send their articles and we shall publish the same. We shall also appreciate if you could furnish us the email address of persons who would be interested in receiving our email.

Regards

**G.Ashokapathy
Secretary,
CNICA.**