

OD-8

ORDER SHEET

AP/226/2021

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

SOUMITA CONSTRUCTION PRIVATE LIMITED
Versus
FAIRLAND DEVELOPMENT INDIA LIMITED AND ORS.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : June 23, 2021.

Appearance:

Mr. Malay Ghosh, Sr. Adv.

Mr. Suvadeep Sen, Adv.

Mr. Debasish Ghose, Adv.

...Petitioner

Mr. Dwaipayan Basu Mallick, Adv.

...Respondents

The Court : This is an application filed by the petitioner (claimant in the arbitration proceedings) under section 29A of the Arbitration and Conciliation Act, 1996 for an extension of six months with effect from 30th April, 2021 and for the learned Arbitrator to make the Award within the extended time.

Learned counsel appearing for the petitioner submits that the petitioner obtained a first extension by an order dated 29th September,

2020 by which time was extended till 30th April, 2021. Counsel submits that sittings were held on virtual mode from January till April, 2021 during which the evidence was concluded. Further dates were fixed in April and May, 2021 but the hearing could not be carried on beyond 7th May, 2021 by reason of the lockdown and other practical difficulties arising therefrom. Counsel submits that arguments are presently being made by the petitioner/ claimant and seeks a further extension of time for the Arbitrator for publishing the Award.

Learned counsel appearing for the respondents submits that the respondents would require about two months to complete their arguments.

Upon hearing learned counsel, this Court is of the view that the order dated 29th September, 2020 had made it clear that the arbitration proceedings shall be held on virtual mode and on a day-to-day basis. Since arguments are presently being made on behalf of the petitioner and according to counsel six more sittings are required for completion of the petitioner's arguments followed by further sittings for completion of the respondents' arguments, the time for the Arbitrator to finally publish the Award is extended till 8th November, 2021. Lockdown and other difficulties should not come in the way since the hearings are being conducted through the virtual mode. The parties shall endeavour to complete the arguments well within time so that the learned Arbitrator can have sufficient time to publish his Award.

AP No. 226 of 2021 is disposed in terms of the above.

(MOUSHUMI BHATTACHARYA, J.)

sg.