

ODC-14

AP/274/2021
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
(Via Video Conference)

PARTHA DAS

Versus

SUJATA SARKAR AND ANR.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 14th July, 2021.

Appearance:

Mr. Shuvasish Sengupta, Adv.
Mr. Balarko Sen, Adv.

Mr. Debajyoti Basu, Adv.

The Court: This is an application for extension of time for publication of the award under Section 29 A of The Arbitration and Conciliation Act, 1996.

According to learned counsel appearing for the petitioner, who is the claimant in the arbitration, the mandate of the learned sole Arbitrator expired on 5th March, 2020 since the Arbitrator was appointed by an order of a learned Single Judge dated 9th October, 2018 by which the arbitration proceedings were to be completed within a year from the date of filing of the statement of claim. The statement of claim was filed on 5th March, 2019. Counsel submits that Section 29 A of the Act has been amended on 9th August 2019 by which under sub-Section(3), the parties were given an option of extending the period

specified under Section 29 A (1) by consent. Counsel submits that the consent was received from the respondents only recently.

Learned counsel appearing for the respondents objects to the time periods mentioned in the application.

Upon hearing learned counsel, this Court is of the view that since the Supreme Court extended all periods of limitation under the general and special laws by an order dated 23rd March, 2020 which came into effect from 15th March 2020 and continued the same by a subsequent order dated 27th April, 2021, the present application should be allowed. There is effectively a delay of ten days in filing the present application for extension of the mandate of the Arbitrator. This is also the first time by which the parties have sought such an extension.

AP No. 274 of 2021 is allowed in view of the above. Since more than a year has passed from the day on which the mandate of the learned Arbitrator terminated, best efforts should be made to complete the arbitration within a period of six months from date.

(MOUSHUMI BHATTACHARYA, J.)

D.Ghosh