

OD-2

ORDER SHEET
AP/319/2019
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

RASHMI METALIKS LIMITED
VS
WEST BENGAL MINERAL DEVELOPMENT AND TRADING CORPORATION
LIMITED AND ORS.

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date : 14TH DECEMBER, 2021.

Appearance :
Mr. Meghajit Mukherjee, Adv.
...For the Petitioner

Mr. Sanjay Saha, Adv.
Mr. Subhasish Bhattacharya, Adv.
...For the Respondent No.1

Mr. Avik Ghatak, Adv.
...For the Respondent No.2

The Court : Affidavit-in-opposition filed by respondent No.2 is kept with the record.

Affidavit-in-reply filed by the petitioner also kept with the record.

After hearing the parties and after perusing the minutes of the last meeting of the Arbitral Tribunal on March 01, 2019, I am of the view that considerable amount of proceedings had taken place before the tribunal.

However, due to submission of the advocate-on-record of the petitioner that he had no instruction from the claimant, the Tribunal decided to release the matter and discontinued the proceedings.

In my opinion, since a lot of time was put into the proceedings before the Tribunal, the same should be concluded by them, if all parties are interested

in doing the same. Constitution of a new Arbitral tribunal and restarting of the proceedings would delay the entire arbitration process even further.

In light of the above, the order of the tribunal dated March 01, 2019 is set aside and the Arbitral Tribunal is directed to continue with the proceedings. All parties are directed to cooperate with the Tribunal and not seek any adjournments. The Arbitral Tribunal shall try and conclude the arbitration expeditiously, preferably within one year.

AP No.319 of 2019 is accordingly disposed of.

(SHEKHAR B. SARAF, J.)