

OCD-6

ORDER SHEET

AP/213/2023

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
(Commercial Division)

MCNALLY BHARAT ENGINEERING COMPANY LIMITED
VS
DAMODAR VALLEY CORPORATION

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 7th June, 2023

Appearance:

Mr. Prithwish Roy Chowdhury, Adv.

Mr. Aritra Deb, Adv.

Mr. Swarajit Dey, Adv.

Mr. Subhadeep Basak, Adv.

The Court: The present application has been filed by the petitioner/claimant in an arbitration proceedings which is presently being conducted by a Tribunal of three learned Arbitrators. The appointments were made by a learned Single Judge of this Court on 1st April, 2019. The first sitting of the Tribunal was held on 1st May, 2019.

Learned counsel appearing for the parties submit that the arguments of the claimant/petitioner are already concluded and the respondent has already begun its arguments.

Section 29-A of the 1996 Act provides for a time limit for an arbitral award. Section 29-A(4) provides for an extension of time if the award is not

made by the Tribunal within 12 months from the date of completion of pleadings under Section 29-A(1) or within the extended time period of further six months provided with the consent of the parties under 29-A(3).

In the present case, the extended period of six months expired on 30th March, 2023. Section 29-A(4), however, gives a window for extension. Hence, AP/213/2023 is disposed of by giving an extension to the Tribunal to make the award within a period of five months from today. Needless to say, the parties shall ensure that the arguments are completed within the shortest possible period of time but not exceeding four weeks from today.

Since affidavits have not been called for, the allegations made in the application are deemed not to have been admitted.

(MOUSHUMI BHATTACHARYA, J.)