

AP/220/2023

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
(COMMERCIAL DIVISION)

PARTHA DAS
VS
SUJATA SARKAR AND ANR.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 19th June, 2023.

Appearance:

Mr. Shuvasish Sengupta, Adv.

Mr. Soumyajit Mishra, Adv.

Mr. Balarko Sen, Adv.

...for the petitioner.

Mr. Soham Kumar Roy, Adv.

Mr. Rahul Kumar Singh, Adv.

...for the respondents.

The Court: The present Arbitrator was substituted in place and stead of the earlier Arbitrator by an appointment made by a learned Single Judge of this Court on 13th April, 2022. The parties had earlier taken an extension under Section 29A(3) of the Act on 14th July, 2021. The new Arbitrator was thereafter appointed on 13th April, 2022 and the extended period of six months hence expired on 1st September, 2022. The present application has been made on 4th April, 2023, that is, after seven months from the date of termination of the Arbitrator's mandate.

However, since the parties have right to apply for extension on the Arbitrator's mandate under Section 29A(4) of the Act which also contemplates an application being made either prior to or after the expiry of the period specified under Section 29A(3), AP/220/2023 is allowed and disposed of by

extending the Arbitrator's mandate by a period of three months from date.

The extension of three months is being given since the parties had taken the first extension on 14th July, 2021 and have applied for the second extension after substantial time from the date of termination of the Arbitrator's mandate.

(MOUSHUMI BHATTACHARYA, J.)