

OD-7

ORDER SHEET

AP/322/2023

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

ARUN KUMAR JHAWAR
Versus
VAIJAYANTI JHAWAR

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 13th June, 2023.

Appearance:

Mr. Ritoban Sarkar, Adv.

Mr. Navneet Sewak, Adv.

Ms. Smita Mukherjee, Adv.

...for the petitioner

Mr. Mainak Bose, Adv.

Mr. Neeraj Kumar Pandey, Adv.

Mr. Shakeel Mohammed Akhtar, Adv.

...for the respondent

The Court: The parties before the Court have come at the stage of Section 29-A(4) of the Act for extension of the mandate of the Arbitrator.

According to learned counsel appearing for the parties, the parties availed of an order under Section 29-A(3) of the Act for a six months' extension which is recorded in the minutes of the eighth sitting of the Tribunal held on 15th July, 2021. It is further submitted that although the mandate of the Arbitrator ended on 14th January, 2022 in terms of Section 29-A(3) of the Act, the order passed by the Supreme Court on 10th January, 2022 in a suo motu writ petition for extending the period of limitation in the wake of the pandemic

came to the rescue of the parties. Paragraph 5(iv) of the order clarifies that the period between 15.3.2020 to 28.2.2022 shall stand excluded in computing periods prescribed under Section 29-A of The Arbitration and Conciliation Act, 1996 together with other statutory provisions.

Even by the Supreme Court order, the Arbitrator's mandate, hence, came to an end on 28.2.2022. The parties were oblivious of the said fact and continued with their arguments. It is submitted that the claimant/petitioner is at the final stage of arguments and the respondent is to commence arguments within a short period of time.

Section 29-A(4) of the Act limits the windows of the Arbitrator's mandate under Section 29-A(1) and (3). The parties have, however, been given the option of seeking extension of the period from the Court either prior to or after expiry of the extended period under Section 29-A(3). Since arbitration commenced in 2017 and six years have passed since then, the mandate is extended for three months from today. The petitioner before the Court shall conclude arguments with a week and the respondent within three weeks thereafter.

AP/322/2023 is disposed of in terms of the above.

(MOUSHUMI BHATTACHARYA, J.)