

OD-8

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

AP/415/2023

ECI ENGINEERING AND CONSTRUCTION CO. PVT. LTD.
VERSUS
THE SECRETARY, IRRIGATION AND WATERWAYS, GOVERNMENT OF
WEST BENGAL AND ANR.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 19th July, 2023.

Appearance:
Mr. Subhrojyoti Dey, Adv.
...for the petitioner

Ms. Noelle Banerjee, Adv.
...for the respondents

The Court:- The timelines indicated by learned counsel appearing for the parties is that the pleadings were completed on 19th January, 2020 and the parties took advantage of the order passed by the Supreme Court on 23rd March, 2020 in a *suo motu* writ petition extending limitation periods for all general and special laws which came into effect from 15th February, 2020. The 53 days hence between 19th January, 2020 and 15th March, 2020 was added from 28th February, 2022 when the limitation given by the Supreme Court came to an end. The additional 311 days ended on 5th January, 2023.

It is the undisputed and agreed position of the parties that the one-year under Section 29-A(1) of the 1996 Act ended on 5th January, 2023.

The parties also say that the extension of six months under Section 29-A(3) was thereafter consented to although there is no document on record to

show the same. The document shown to the Court is of 8th November, 2021 which is much prior to the one-year period which ended on 5th January, 2023.

However, learned counsel appearing for the respondents submits that the respondents are not opposing the extension of the learned Arbitrator's mandate and that the parties are at the stage of arguments.

AP/415/2023 is disposed of by extending the mandate of the Arbitrator under Section 29-A(4) for a further period of three months from today.

(MOUSHUMI BHATTACHARYA, J.)

sg.