

OD-6

ORDER SHEET

AP/443/2023

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

M/S. UTTARAKHAND PURV SAINIK KALYAN NIGAM LIMITED
Versus
EASTERN COALFIELDS LIMITED

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 17th July, 2023.

Appearance:

Mr. Pranit Bag, Bar-at-Law

Mr. Anuj Kr. Mishra, Adv.

Mr. Debdatta Saha, Adv.

Mr. Balaram Patra, Adv.

...for the petitioner

Mr. Anubhav Sinha, Adv. (VC)

Ms. Sanchita Barman Roy, Adv.

...for the respondent

The Court: This is an application for extension of the Arbitrator's mandate under Section 29-A(4) of the 1996 Act.

The records show that this is a second such application filed by the parties. The first was filed and allowed by a learned Single Judge of this Court on 13th July, 2022 extending the mandate of the Arbitrator for 12 months for completion of the arbitral proceeding and delivery of the Award. The 12 months expired on 13th July, 2023. The parties are before the Court for a second extension.

Learned counsel appearing for the parties submit that the arbitration is at the stage of arguments and rely on a Minutes dated 29th April, 2023 which records that Advocates for the parties upon instructions agreed to extend the mandate of the Arbitrator till December, 2023.

The Minutes recorded on 29th April, 2023 is contrary to the intent of Section 29-A, specifically sub-section (4) thereof. Under Section 29-A(4), only the Court has the power to extend the mandate of the Arbitrator. There is no scope for the parties to an arbitration to decide the validity or extent of the extension of the mandate.

However, since the arbitration is admittedly at its final stage and both parties agree to an extension, AP/443/2023 is allowed and disposed of by extending the Arbitrator's mandate for a period of three months from today.

(MOUSHUMI BHATTACHARYA, J.)