

ORDER SHEET

AP/448/2023

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

VRINDAVAN ADVISORY SERVICES LLP
Versus
DEEP SHAMBHULAL BHANUSHALI

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : August 29, 2023.

Appearance:
Mr. D.N. Sharma, Adv.
Mr. Sujit Banerjee, Adv.
...for the petitioner

The Court: The mandate of the learned Arbitrator admittedly ended on 11th March, 2023. Apart from the submission made on behalf of the petitioner to this effect, the order passed by a Co-ordinate Bench on 12th September, 2022 bears out this fact. The order dated 12th September, 2022 was passed in a third application made by the petitioner for extension of the Arbitrator's mandate under Section 29-A(4) of the 1996 Act. The order records that the respondent did not oppose the extension.

The respondent is not before the Court in the present application which is the fourth application for extension of the learned Arbitrator's mandate.

Learned counsel submits that the petitioner had no means of obtaining the relevant dates from the authorised person since the authorised person was seriously indisposed. It is submitted that the petitioner has been paying the Arbitrator's fees since the respondent has expressed its inability to do so.

Section 29-A(4) of the 1996 Act authorises the Court to extend the Arbitrator's mandate provided the mandate is subsisting on the date of the application. This would be clear from the language of Section 29-A(4) and the preceding Sections which contemplate extension of the Arbitrator's mandate, namely, Section 29-A(3) on the Award not being made within twelve months from the date of completion of pleadings.

The parties are thereafter given one more opportunity to agree to an extension of that mandate under Section 29-A(3) but limited to a period of six months under that provision. The parties thereafter or on the exhaustion of Section 29-A(1) can come to the Court for extension of the mandate during the subsistence of the mandate.

In the present case, the mandate terminated on 11th March, 2023 and the present application was made four months thereafter.

The scheme of the 1996 Act does not permit the Court to extend the mandate any further. The arguments made on the petitioner's inability to obtain the relevant dates or the arbitration having proceeded to an advanced stage cannot be a defense to the statutory framework and the timelines provided therein.

AP No. 448 of 2023 is accordingly dismissed.

There shall be no order as to costs.

(MOUSHUMI BHATTACHARYA, J.)

sg.