

OCD-8

ORDER SHEET

AP/480/2023

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
(Commercial Division)

M/S. AKSHYA DAIRY PRODUCTS PRIVATE LIMITED
Versus
M/S. DAIRY DE KREAMERY AND ORS.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 4th August, 2023.

Appearance:

Mr. Mohit Gupta, Adv.

Mr. Gopal Ram Sharma, Adv.

Mr. Arnab Mukherjee, Adv.

Mr. Souparno Pyne, Adv.

Mr. Ishan Bhattacharya, Adv.

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

Learned counsel appearing for the respondents submits that the statement of defence was filed on 27th June, 2023.

Since Section 29-A(1) mandates that the Award will be made within one year from the date of completion of pleadings as indicated under Section 23(4) which speaks about the statement of claim and defence, it is clear that the time period indicated under Section 29-A(1) has still not elapsed.

If the period under Section 29-A(1) is still available to the learned Arbitrator for making the Award, any application under Section 29-A(4) is premature. This is in view of the fact that the parties have a further window of extension of six months under Section 29-A(3) of the Act.

AP/480/2023 is accordingly dismissed as being premature.

(MOUSHUMI BHATTACHARYA, J.)