

OD-3

ORDER SHEET

AP/522/2023

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

NATIONAL FEDERATION OF FARMERS PROCUREMENT, PROCESSING AND
RETAILING CO-OPERATIVES OF INDIA LTD.

VS

SOMYA PRATHAM UDYOG

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 10th August, 2023

Appearance:

Ms. Hashnuhana Chakraborty, Adv.

Mr. Sunanda Mohon Ghosh, Adv.

Mr. Sayak Konar, Adv.

...for the petitioner

Mr. Sarosij Dasgupta, Adv.

Mr. Avijit Dey, Adv.

...for the respondent

The Court: Although, the Arbitrator's mandate to make the Award under Section 29-A(1) expired on 1st March, 2023, taking into account the relaxation of timelines by the Supreme Court by reason of COVID-19 pandemic, the further extension of the mandate for six months until 1st September, 2023 could not be taken since the respondent did not agree to the same. This is recorded in the Minutes dated 24th March, 2023 where the learned Arbitrator has left it to the Court for considering whether the mandate can be extended.

Learned counsel appearing for the respondent now says that the respondent is not contesting any further extension in the mandate and also

submits that the cross-examination of the first witness of the claimant is concluded.

Learned counsel appearing for the parties submit that the learned Arbitrator will take about ten months to complete the arbitration.

Even though the Arbitrator's mandate expired on 1st March, 2023 and the application was made on 3rd August, 2023, since the respondent has consented to the extension and the arbitration has also proceeded to an advanced stage, this Court is of the view that the mandate can be extended for a reasonable period of time. The prayer for ten-month extension is not allowed since the arbitration commenced in 2019.

AP/522/2023 is accordingly allowed and disposed of by extending the learned Arbitrator's mandate for a period of six months from today.

(MOUSHUMI BHATTACHARYA, J.)