

OCD-7

ORDER SHEET

AP/591/2023

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

M/S. RAJSHEKHAR CONSTRUCTIONS PVT. LTD.
VS
BHARAT HEAVY ELECTRICALS LTD.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 30th August, 2023

Appearance:

*Mr. Siddhartha Lahiri, Adv.
...for the petitioner*

*Mr. Rohit Das, Adv.
Ms. Sristi Roy, Adv.
...for the respondent*

The Court: The application is for extension of the learned Arbitrator's mandate. The mandate, admittedly, will terminate on and from 1st September, 2023. The parties have already consented to the additional extension under Section 29A(3) of the 1996 Act for six months.

Learned counsel appearing for the parties inform the Court that the claimant has just begun its arguments.

Learned counsel appearing for the respondent, who does not otherwise oppose extension of the mandate, seeks a clarification to the effect that the respondent should not be fettered from taking out proceedings before the

Commercial Court, Rajarhat including an application for setting aside of the Award.

Since the mandate of the learned Arbitrator was subsisting on the date of making of the present application and the respondent does not oppose to extension of the mandate, AP/591/2023 is accordingly allowed and disposed of by extending the mandate for six months from 1st September, 2023.

Counsel submits that the respondent has a counter-claim and the papers in the proceedings are voluminous. It is clarified that since the expression used in Section 29A(4) is “Court” without particular reference to the “High Court” as under Section 11 of the Act, nothing will prevent the respondent from taking advantage of the construction of the word “Court” under Section 2(1)(e) read with Section 42 of the 1996 Act.

(MOUSHUMI BHATTACHARYA, J.)

bp.