

OD-96

ORDER SHEET

AP/596/2023

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

THE BRAITHWAITE BURN AND JESSOP CONSTRUCTION CO. LTD.
VS
GENERAL MANAGER, EASTERN RAILWAY

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 22nd November, 2023.

Appearance:

Mr. Sanjib Kumar Mal, Adv.
Mr. Atanu Raychaudhuri, Adv.
Mr. Pushan Majumdar, Adv.
...for the petitioner

Ms. Aparna Banerjee, Adv.
...for the respondent

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

According to learned counsel appearing for the applicant, the pleadings were initially completed by the parties on 24th March, 2014 but consequent to a change in the Arbitral Tribunal, the parties were directed to file fresh pleadings. The next set of pleadings were completed on 26th November, 2021. Counsel however seeks to take advantage of the orders passed by the Supreme Court in the wake of the pandemic with effect from 15th March, 2020 to 28th February, 2022 and urge that the 12 months under Section 29-A(1) would hence expire only on 28th February, 2023. The respondent however gave

consent under Section 29-A(3) of the Act which takes the date to 31st August, 2023.

The Court is informed that the parties have completed the evidence of their respective witnesses and the arbitration is now at the stage of arguments. The present application was filed on 22nd August, 2023.

Considering the facts and the law on the subject as also the fact that the present application was made during subsistence of the learned Arbitrator's mandate, AP/596/2023 is accordingly allowed and disposed of by extending the learned Arbitrator's mandate for six months from 31st August, 2023.

(MOUSHUMI BHATTACHARYA, J.)

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