

OCD-11

ORDER SHEET

AP/615/2023

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

NATIONAL PLASTO PRODUCTS PVT. LTD.
VS
THE NEW INDIA ASSURANCE COMPANY LIMITED

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 18th September, 2023.

Appearance:

Mr. Sakya Sen, Adv.

Mr. Satadeep Bhattacharya, Adv.

Mr. Shiv Ratan Kakrania, Adv.

...for the petitioner

Mr. Ishaan Saha, Adv.

Mr. A. K. Awasthi, Adv.

...for the respondent

The Court: This is an application for extension of the mandate of the learned arbitral tribunal.

Learned counsel appearing for the parties are *ad idem* on the mandate subsisting as on the date of filing of the application. The 12 months under Section 29-A(1) of the 1996 Act ended on 14th February, 2022. The petitioner, however, took advantage of the Supreme Court orders passed in the *suo motu* writ petition in the wake of the pandemic and accordingly, calculates the 12 months under Section 29-A(1) of the 1996 Act from 1st March, 2022.

Hence, the 12 months ended on 28th February, 2023. The parties consented to the additional six months under Section 29-A(2) of the 1996 Act which, accordingly, came to end on 31st August, 2023.

The Court is informed that the second witness of the respondent is presently being cross-examined. Counsel appearing for the respondent submits that the respondent does not have any other witness.

Counsel for the petitioner insists for extension till the end of March, 2024. This, however, is unreasonable since the prayer in the application is extension for six months.

Considering the stage of the arbitration and the fact that the arbitration commenced on and from 23rd January, 2020, AP/615/2023 is, accordingly, allowed and disposed of by extending the mandate for six months from 31st August, 2023.

(MOUSHUMI BHATTACHARYA, J.)