

OD-16

ORDER SHEET

AP/641/2023

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

MERINT INDUSTRIAL INFRASTRUCTURE PRIVATE LIMITED
Versus
NATIONAL INSTITUTE OF TECHNOLOGY

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 19th September, 2023.

Appearance:
Mr. Ayan Dutta, Adv.
...for the petitioner

The Court: The affidavits of service show that the respondent was served twice but has further failed to be represented. The last service was made on 11th September, 2023.

The petitioner seeks extension of the mandate of the learned Arbitrator who was appointed by a learned Single Judge of this Court, as His Lordship then was, on 28th January, 2021. The Arbitrator entered reference on 1st March, 2021.

Learned counsel appearing for the petitioner seeks to take advantage of the Supreme Court orders extending periods of limitation in the wake of the pandemic and says that the 12 months under Section 29-A(1) of the 1996 Act will be counted on and from 1st March, 2022. The parties consented to an

extension of six more months under Section 29-A(3) of the Act. The two periods taken together would end on 30th August, 2023. The present application was filed on that very date i.e., 30th August, 2023. Counsel further submits that the respondent's witness is presently being cross-examined and that the parties will commence their respective arguments soon after the witness-action is over.

Considering the fact that the first sitting of the arbitration started from 8th March, 2021 and almost 2½ years have gone since then, AP/641/2023 is accordingly allowed and disposed of by extending the mandate of the learned Arbitrator by seven months from 30th August, 2023.

(MOUSHUMI BHATTACHARYA, J.)