

OD-13

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

AP/696/2023

MSTC LIMITED
VS
GYSCOAL ALLOOYS LIMITED

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 3rd October, 2023.

Appearance:

Mr. Mainak Bose, Adv.

Mr. Sourjya Roy, Adv.

...for the petitioner

Mr. Swarajit Dey, Adv.

...for the respondent

The Court:- Learned counsel appearing for the respondent has an arguable case. According to counsel, since a reference started in 2010, the amendment brought in on and from 23rd October, 2015 with regard to fixing of an outer time limit for making the award under Section 29A will not apply in the present proceedings. The Court is informed that the parties to the arbitration concluded their submissions and file their respective notes in 2018 and the petitioner made several attempts thereafter to persuade the Arbitrator to make the award. However, the learned Arbitrator is still to make the award despite five years having gone by.

The application for extension of the mandate under Section 29A may not be applicable since the reference was pre-2015; however this does not mean

that the petitioner or any of the parties to the arbitration will be left without a remedy in terms of obtaining an award which fulfils reasonable time limits even in the absence of Section 29A. It cannot be that a party to an arbitration who is deprived of the benefit of Section 29A, will have to wait for an interminable period for an Arbitrator to make an award.

AP/696/2023 is disposed of as not being maintainable.

The petitioner is however shall be at liberty to take out an appropriate application under Sections 14 and 15 of the 1996 Act or as the petitioner may be advised.

(MOUSHUMI BHATTACHARYA, J.)