

OCD-2

ORDER SHEET

AP(COM)/2/2023

IN THE HIGH COURT AT CALCUTTA
(Commercial Division)

BLUE DREAMZ ADVERTISING PVT. LTD.
VS
THE KOLKATA MUNICIPAL CORPORATION

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 5th December, 2023.

Appearance:

Mr. Dipanjan Sinha Roy, Adv.
..for the petitioner

Ms. Leena Panja, Adv.
Ms. Manisha Nath, Adv.
..for the respondent

The Court:-This is the second application for extension for the learned Arbitrator's mandate under Section 29-A(4) of the 1996 Act. The mandate was earlier extended by an order passed by this Court on 26th July, 2023 for a period of four months. The four months expired on 26th November, 2023. The present application was, however, filed on 28th November, 2023, which is two days after expiry of the mandate. The reasons given in paragraphs 7 and 8 of the application only point to voluminous papers and consequent delay in cross-examination of the witnesses as well as the intervening puja vacation. These reasons are completely superfluous considering the fact that the puja holidays are always held at a certain time every year and voluminous papers is not a ground for delay.

The advocate-on-record of the petitioner (claimant in the arbitration) submits that the delay was also caused by several adjournments taken by the respondent.

Learned counsel appearing for the respondent, on the other hand, submits that the delay was also caused by counsel appearing for one of the parties being unwell for a considerable period of time.

Although the Court has taken a strict view in several other matters with regard to applications being filed after expiry of the mandate, in the present case, the delay is only of two days and appears to be an oversight on the part of the petitioner. Since the arbitration is at the stage of arguments, it is hence in the larger interest of all concerned that the mandate be extended but only for three months from 25th November, 2023. It is made clear that this is the last extension.

AP(COM)/2/2023 is accordingly allowed and disposed of in terms of the above.

(MOUSHUMI BHATTACHARYA, J.)