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ORDER SHEET

AP/852/2023

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

TANMOY DAS AND ANR.
Versus
VEDIC REALTY PRIVATE LIMITED AND ANR.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 14th December, 2023.

Appearance:

Mr. Shounak Mukhopadhyay, Adv.

Ms. Ankita Choudhury, Adv.

..for the petitioners

The Court: This is an application for extension of the learned Arbitrator's mandate under Section 29-A(4) of the 1996 Act. The affidavit of service is taken on record. The respondents, however, are not represented.

Learned counsel appearing for the petitioners submits that the respondents have played truant in the arbitration for length of time which would be evident from an order passed by the learned Arbitrator on 6th January, 2023 closing the respondents' right to file its counter-statement/statement of defence. Counsel places a minutes of sitting held on 29th August, 2023 which, however, shows that the respondents were represented and also cross-examined the petitioners' (claimants in the

arbitration) witnesses. Section 29-A(1) of the Act gives a period of 12 months for the Arbitrator to make the Award.

Since the respondents' right to file statement of defence was closed on 6th January, 2023, one year from that date would end on 6th January, 2024. The petitioner has made the application during the subsistence of the learned Arbitrator's mandate and by way of abundant caution.

This is also the first extension sought for. The Court is also informed that both the parties have concluded their arguments in the arbitration.

AP/852/2023 is accordingly allowed and disposed of by extending the mandate of the learned Arbitrator by a period of three months from 5th January, 2024.

(MOUSHUMI BHATTACHARYA, J.)

bp.