

ORDER SHEET

AP/41/2024

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

M/S. JOY ENTERPRISE
Versus
STATE OF WEST BENGAL

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 22nd February, 2024.

Appearance

*Mr. Ayan Banerjee, Adv.
Mr. Arijit Bhowmick, Adv.
...for the petitioner*

*Mr. Arindam Mandal, Adv.
Mr. Paritosh Sinha, Ld. AOR
...for the State*

The Court: The present application is concerned with a reference which was commenced on 6th January, 2015. Hence, the rigours of Section 29-A along with sub-section (1) thereunder would not apply to the present case. Section 29-A and sub-section (1) thereof were brought into effect from 23.10.2015 and 30.08.2019 respectively.

There is however an order passed by a Co-ordinate Bench on 17th February, 2023 in an application filed by the petitioner for substitution whereby the Court appointed the learned Arbitrator and directed that the dispute should be resolved within one year from that date. The learned Arbitrator, however, could not complete the resolution of the dispute within

one year as directed by the Co-ordinate Bench. The one year expired on 16th February, 2024. The present application was made on 13th February, 2024.

The Court is informed that the records consist of voluminous documents. However, since the reference commenced in 2015 and almost a decade has passed thereafter and since the present case does not require the Court to be bound by the discipline of Section 29-A of the 1996 Act, AP/41/2024 is accordingly allowed and disposed of by extending the mandate for six months from 16th February, 2024.

(MOUSHUMI BHATTACHARYA, J.)

kc