

OCD 22

ORDER SHEET
AP-COM/466/2024
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION

SOURAV DUTTA
VS
BENGAL SHELTER HOUSING DEVELOPMENT LIMITED

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date: 28th June, 2024.

Appearance:
Mr. Ayan Dutta, Adv.
Mr. Sanjay Kr. Baid, Adv.
. . .for the petitioner.

Ms. Rashmi Singhee, Adv.
Ms. Jayati Chowdury, Adv.
Ms. Mandobi Chowdury, Adv.
. . .for the respondent.

The Court: Affidavit of service filed in Court today be kept on record.

Learned counsel for the petitioner contends that in view of circumstances beyond the control of the learned Arbitrator, the arbitral proceeding could not be concluded within the period of one year from its commencement and thereafter within the extended period of six months granted therefor.

Learned counsel for the petitioner further submits that the proceeding might have been concluded unless repeated adjournments were sought by the respondent.

Learned counsel for the respondent does not oppose the prayer for extension of the mandate of the Arbitrator but submits that the adjournments

were sought by the respondent on genuine grounds, on most occasions due to the illness of the mother of the witness who was to be produced by the respondent.

Upon hearing learned counsel, it is evident that there was no deliberate fault on the part of either of the parties in the arbitral proceeding not being concluded within time, nor was there any incapacity or issue at the end of the learned Arbitrator for not having been able to complete the proceeding within due time.

Accordingly, AP-COM/466 of 2024 is allowed, thereby extending the mandate of the arbitrator till February 28, 2025, with the expectation that the learned Arbitrator shall ensure that the arbitral proceeding is concluded positively within such period.

(SABYASACHI BHATTACHARYYA, J.)

SP/