

OC-19

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
[Commercial Division]

AP-COM/748/2024

M/S ZAMIL AIR CONDITIONERS INDIA PVT LTD
VS
M/S SIMPLEX INFRASTRUCTURES LIMITED

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 2nd September, 2024

Appearance:
Mr. Mrinal Beri, Adv.
...for petitioner.

Mr. Abhishek Banerjee, Adv.
Mr. A. Nair, Adv.
...for respondent.

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

The present application under Section 29A for extension of the mandate of the learned Arbitrator has been filed under peculiar circumstances.

The pleadings of the parties were completed on August 24, 2023. Hence, under normal circumstances, the mandate would have expired on August 23, 2024.

The parties, for abundant caution, had consented to the mandate being extended for a further period of six months.

Accordingly, the extended mandate is due to expire on February 23, 2025. Yet, the present application has been taken out on the premise that the extended period of consent has also expired.

However, there is no basis for such apprehension, since under section 29A (1) of the Arbitration and Conciliation Act 1996, the mandate of an Arbitrator terminates after the expiry of 12 months from the date of completion of pleadings as contemplated in Section 23(4) of the 1996 Act. Hence, the mandate would, in any event, terminate on August 23, 2024 under normal circumstances.

Thus, the six-months' extension of mandate which was agreed to by the parties within the contemplation of sub-section (3) of Section 29A shall commence on and from the expiry of 12 months, i.e. from August 24, 2024 and is due to expire on February 23, 2025.

Hence, there is no scope of further extension at this stage.

AP-COM/748/2024 is accordingly disposed of in the light of the above observations, holding that the extended mandate of the learned Arbitrator as per consent of the parties under Section 29A(3) shall expire only on February 23, 2025.

(SABYASACHI BHATTACHARYYA, J.)

SK.