

ORDER SHEET

AP-COM/1/2025

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

DAMODAR VALLEY CORPORATION

VS

M/S. MAA MAIHAR STEEL

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 28th January, 2025.

Appearance:

Mr. Swarajit Dey, Adv.

Ms. Debarati Das, Adv.

.... for the petitioner

The Court: Affidavit of service is taken on record.

Despite service, none appears on behalf of the respondent/claimant.

It is submitted that the petitioner is the respondent in the arbitral proceeding and the counter-claim of the respondent is being heard.

In the minutes of the 21st sitting on December 3, 2024 the arbitral tribunal recorded that pursuant to the order dated November 9, 2024, the arbitration proceeding arising out of the claim of the respondent, stood terminated due to the claimant's failure to respond to the show cause notice issued by the Tribunal. The respondent would be called upon to argue on the counter-claim.

None appears on behalf of the claimant before this Court. It is impossible to ascertain whether the claimant had taken any steps by

challenging the order of termination of the claim. However, the fact that the counter-claim is pending adjudication before the learned arbitrator is available from the minutes. Learned arbitral tribunal is also inclined to hear the petitioner on the counter-claim. If the claimant is successful in getting the order dated December 3, 2024, vacated or set aside, they may approach the learned arbitral tribunal. At this juncture, for the ends of justice, the mandate should be extended, otherwise the hearing of the counter-claim of the respondent cannot be completed.

Under such circumstances, the mandate of the learned arbitral tribunal which expired on January 5, 2025, is extended by six months from the date of communication of this order.

AP-COM 1 of 2025 is, accordingly, disposed of.

(SHAMPA SARKAR, J.)