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ORDER SHEET
IA NO. GA-COM/2/2025
WITH
AP-COM/1011/2024
In RVWO/11/2025
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

M/S SIMPLEX INFRASTRUCTURES LTD.
Vs
REINFORCED EARTH INDIA PVT. LTD.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 5th March, 2026.

Appearance:
Mr. Rohit Banerjee, Adv.
Mr. Abhishek Banerjee, Adv.
Mr. Adipta Kumar Pandit, Adv.
. . .for the petitioner.

Mr. Puspall Chakraborty, Adv.
Ms. Prishanka Ganguly, Adv.
. . .for the respondent.

The Court:

1. The delay in filing the review application is condoned upon acceptance of the explanations given in paragraphs 11 to 15 of the said application. GA-COM 2 of 2025 is allowed. The applicant cannot be penalized for the inability of the learned Advocate to attend the court's proceeding.
2. The review application is taken up for hearing. Mr. Puspall Chakraborty, learned advocate for the petitioner submits that sufficient grounds for

review of the order dated December 11, 2024 had not been made out by the applicant, who was the respondent in AP-COM 1011 of 2024.

3. According to Mr. Chakraborty, the learned Arbitrator had expressed that he was not inclined to continue with the arbitral proceeding and closed the proceeding with an observation that the claimant was disinterested to extend the mandate.
4. Mr. Banerjee, learned advocate for the applicant/respondent, submits that two similar matters were taken up by this Court on the same day. One was for appointment of a substitute Arbitrator between the same parties and the other was the subject application. In this matter, the issue before the Court was whether the mandate of the learned Arbitrator should be extended. AP-COM 1011 of 2024 was described as an application under Section 29A of the Arbitration and Conciliation Act, 1996. There was a mistake in appreciation of the facts of the present case, as the parties had failed to bring it to the notice of the court that the erstwhile Arbitrator closed the proceeding, when the mandate had already expired.
5. I find from the averments in the application being AP-COM 1011 of 2024, that a combined prayer had been made for extension of the mandate of the arbitrator and for appointment of a substitute Arbitrator. I do not find from the order passed by the learned Arbitrator that any recusal was recorded, however, upon interpretation of the order, this Court was of the view that the closure of the proceeding amounted to recusal. At that juncture, the fact that the mandate had

expired was not before the Court and the Court had not taken into consideration the such fact. Thus, it may be a possibility that the closure of the proceeding was on account of expiry of the mandate of the Arbitrator, and it was neither a termination nor a recusal. This aspect would require fresh adjudication.

6. Under such circumstances, the order dated December 11, 2024 is accordingly recalled, on review. The review application is allowed. Let the AP-COM 1011 of 2024 be decided afresh by the appropriate Court.
7. Accordingly, GA-COM 2 of 2025 and RVWO 11 of 2025 are disposed of.

(SHAMPA SARKAR, J.)