

OCD-7

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE
(Commercial Division)

AP-COM/616/2025

SREI EQUIPMENT FINANCE LIMITED
VS
E MADHUSUDHANRAO ENGINEERS AND CONTRACTORS AND ORS

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH

Date : 24th November, 2025.

Appearance

Mr. Swatarup Banerjee, Adv.

Mr. Ayan Dutta, Adv.

Mr. Sariful Haque, Adv.

Mr. Rajib Mullick, Adv.

Mr. Biswaroop Ghosh, Adv.

...for the petitioner

The Court: The present application has been filed by the petitioner under Section 29-A of the Arbitration and Conciliation Act, 1996, seeking extension of the time period for conclusion of the arbitral proceedings and publication of the arbitral award.

It is the submission of the petitioner that this Court, vide order dated 04.12.2023, appointed a sole Arbitrator for adjudication of the disputes between the parties. The pleadings were concluded on 21.06.2024. The mandate of the arbitral tribunal expired on 20.06.2025, however, the sole Arbitrator had informed the parties that an application shall be filed before the Court for extension of the mandate of the arbitral tribunal. In view of the same, the petitioner has preferred the present application seeking extension of the mandate of the arbitral tribunal.

This Court has examined the records in detail. The learned sole Arbitrator was appointed by the order of this Court, dated 04.12.2023. Immediately after receiving such intimation the sole arbitrator had entered upon reference by virtue of an email dated 18.12.2023. The first sitting was held on 03.01.2024. The Statement of Claim was filed on 10.04.2024. The Statement of Defence was filed on 21.06.2024. Upon receiving the statement of defence filed by the respondents the petitioner had duly filed his rejoinder on 12.07.2024. On 19.08.2024, the learned tribunal had framed the issues required for adjudication in the concerned arbitral proceedings. At this stage, the petitioner had filed an application for amendment of the statement of claim on 19.10.2024. The same was allowed vide order dated 28.11.2024 and the petitioner, thereafter, filed its amended Statement of Claim. The respondent had filed their reply to the said amended Statement of Claim. The proceedings are presently at this stage where the petitioner is required to file his rejoinder to the said reply.

Learned Counsel for the petitioner further states that a Section 16 application was filed by the respondent challenging the mandate of the arbitral tribunal. The same was decided by the tribunal vide order dated 28.03.2025, whereby the sole Arbitrator allowed the application for amendment of the claim by the petitioner and rejected the respondent's application for termination or closure of the proceedings.

Learned Counsel for the petitioner also states that despite service, none appears for the respondent. An affidavit of service has been placed on record, which demonstrates that the respondent has been duly served through publication. Affidavit of service is taken on record. He further points

out that even at the stage of appointment of the Arbitrator, the respondent had chosen not to appear before the Court, although he fairly acknowledges that the respondent has been appearing before the learned Arbitrator.

Upon consideration, this Court is satisfied that there has been no undue or unwarranted delay on the part of the learned sole Arbitrator in conducting the proceedings. Accordingly, the mandate of the sole Arbitrator is extended further for a period of one year from today.

The learned sole Arbitrator is requested to ensure that the arbitral proceedings are concluded and the award is published within the extended time period.

With the aforesaid observation, the present arbitration petition is disposed of.

(GAURANG KANTH, J.)