

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
(Commercial Division)

AP-COM/669/2025

QUIPPO OIL AND GAS INFRASTRUCTURE LIMITED
Versus
SOUTH ASIA CONSULTANCY

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH

Date : 6th November, 2025.

Appearance

Mr. Shourjyo Mukherjee, Adv.

Mr. Sourojit Dasgupta, Adv.

Mr. Vishwarup Acharyya, Adv.

...for the petitioner

Mr. Debrup Bhattacharjee, Adv.

Mr. Steven S. Biswas, Adv.

...for the respondent

The Court: The petitioner has preferred the present application under Section 29A of the Arbitration and Conciliation Act, 1996 seeking extension of time for the conclusion of the arbitral proceedings and publication of award for a further period of six months.

Learned Counsel for the petitioner states that the Tribunal was constituted under Section 11(6) of the Arbitration and Conciliation Act, 1996 vide order dated 15.12.2020 in AP No. 73 of 2020. The Statement of Claim was filed on 21.03.2021. The evidence was concluded on 05.09.2021. The last hearing was scheduled for 19.02.2022 which was adjourned and the same was communicated by the learned arbitrator. The learned arbitrator also emphasis that the matter was being adjourned *sine die* while granting

liberty to the petitioner to make a request for resumption of the proceedings subject to the validity of the mandate of the arbitrator in order to make and publish the award.

It is pertinent to mention that since then the petitioner has not taken any steps to extend the mandate of the Arbitral Tribunal or to carry on with the proceedings before the Arbitral Tribunal.

It is indeed unfortunate to note that false pleadings have been made in the present application wherein the petitioner has stated that the mandate of the Arbitral Tribunal stood extended by six months till 31.08.2023 by virtue of the consent given by the petitioner for extending the mandate of tribunal under Section 29-A(3) of the said Act. The pleadings further reflect that the petitioner had incorrectly averred that an extension was granted by this Court for a period of six months from 01.09.2023, although no such application seeking extension of time for a further period of six months had ever been filed before this Hon'ble High Court.

Learned Counsel for the respondent has pointed out that the last proceedings were conducted on 19.02.2022 by the Arbitral Tribunal and thereafter the matter was adjourned *sine die*. It is further submitted that the petitioner neither took any steps to seek extension of the mandate of the Tribunal nor participated in the arbitral proceedings before the Arbitral Tribunal. He further states that the averments made in the present application are absolutely incorrect. The said factual error has been admitted by the learned Counsel for the petitioner who states that the misstatement was inadvertent and occurred due to an error on the part of the Counsel who had drafted the present application. It is also noted that

the affidavit is sworn by Mr. Rahul Gupta, an employee of the petitioner company, who has incorrectly affirmed the said facts before this Court.

The present application has been filed without seeking extension of the mandate before the learned Tribunal after the expiry of the initial period of 12 months, during which the parties could have mutually extended the same for a further period of six months under Section 29-A(3) of the 1996 Act. The petitioner has, instead, filed the present application under Section 29-A(4) for extension of time without complying with the mandatory provisions of the Act and in a highly belated manner. Since the petitioner failed to take any steps before the arbitral tribunal to seek extension of its mandate and has filed the present application after an unexplained delay of 2 years, coupled with the filing of false averments in the application, this Court is not inclined to extend the time period.

Though this Court was inclined to initiate proceedings against the petitioner for misleading the Court, in view of the apology tendered by the learned counsel for the petitioner for the inadvertent mistake, this Court deems it appropriate to refrain from initiating such proceedings.

Accordingly, the present application is dismissed.

(GAURANG KANTH, J.)