

ORDER

OCD-10

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/676/2025
AMAZING INDIA CONTRACTORS PVT. LTD.
VS
THE AIRPORT AUTHORITY OF INDIA AND ORS.

BEFORE
HON'BLE JUSTICE GAURANG KANTH
Date: December 02, 2025.

Appearance:-
Mr. Rajat Bhalla, Adv.
Mr. Nilesk Kumar, Adv.
Mr. Soumyajit Mishra, Adv.
...for petitioner.

Mr. Ayan Poddar, Adv.
Mr. Soham Dutta, Adv.
Ms. Anjali Shaw, Adv.
...for respondent.

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 mandate of the arbitral tribunal for conclusion of the arbitral proceedings and publication of the arbitral award.

The circuit bench at Jalpaiguri vide order dated 28.06.2023 had appointed an arbitral tribunal to adjudicate disputes between the parties. The pleadings were completed on 11.03.2024. With the consent of the parties, the mandate of the arbitral tribunal was extended for a period of six months. The mandate of the arbitral tribunal has expired on 10.09.2025.

Learned counsel for the petitioner states that the matter is presently at the stage of final arguments. Hence the petitioner has preferred the present

petition seeking extension of the mandate of the arbitral tribunal by six months.

Learned counsel for the respondent opposes the present petition on the ground that the arbitral tribunal has been appointed without any jurisdiction. He has no facts to substantiate such arguments. The arbitrator was duly appointed by this Court vide order dated 28.06.2023. The said contention has never been raised earlier by the learned counsel for the respondent. He states that he has picked up this argument from the stand of the petitioner, wherein the petitioner had stated that the Circuit Bench of Jalpaiguri has no power to extend the mandate of the arbitral tribunal. He has mistakenly construed this to mean that even the appointment of the arbitrator by the Circuit Bench at Jalpaiguri was without jurisdiction. The said fact has never been pleaded in the affidavit in opposition nor does the respondent have any ground to substantiate such contention. The other grounds taken by the learned counsel for the respondent is that the Court of original jurisdiction in terms of Section 2(1)(e) would be the Commercial Court at Jalpaiguri.

This Court has consistently held, in various judicial pronouncements, the most recent being **AP-COM/673/2025, The Indure Private Limited vs. Bharat Heavy Electricals Limited**, that where the appointment of an arbitrator has been made by the High Court, the power to extend the mandate of the arbitral tribunal under Section 29A of the Arbitration and Conciliation Act, 1996, vests with the High Court. In view of this proposition, this Court is inclined to extend the mandate of the arbitral tribunal for a further period of six months.

Accordingly, the present AP-COM/676/2025 is allowed.

(GAURANG KANTH, J.)

R. D. Barua