

ORDER

OD-3

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

AP/181/2025

HMB ISPAT PVT. LTD.

VS

M/S JINDAL ROLLING MILLS PRIVATE LIMITED AND ORS.

BEFORE

HON'BLE JUSTICE GAURANG KANTH

Date: November 11, 2025.

Appearance:-

Mr. Arnab Das, Adv.

Mr. Dyutimoy Pal, Adv.

Mr. Rehan Ansari, Adv.

...for petitioner.

Mr. Rudra Jyoti Bhattacharjee, Adv.

Mr. Debjani Ghosal, Adv.

Mr. Arjun Narayan, Adv.

Mr. S. Das, Adv.

...for respondent Nos. 1 & 2.

The Court:- The present application has been filed by the petitioner under Section 29A of the Arbitration and Conciliation Act, 1996 seeking extension of time for the mandate of the arbitral tribunal to conclude arbitral proceedings and publish the award.

Learned counsel for the petitioner submits that the sole arbitrator was appointed vide order dated 10.04.2023.

The pleadings between the parties were completed on 6th September, 2024. The petitioner has preferred the present application for seeking extension of the mandate of the arbitral tribunal.

Learned counsel for the respondent states that the present application is not maintainable. He contends that the arbitrator was wrongly appointed under 11(6) and further states that the seat of arbitration cannot be at Calcutta since the contract stipulates that the seat of arbitration will be at Rajasthan. He further contends that this issue was raised before the Supreme Court by filing a Special Leave Petition, being SLP No. 8700 of 2023 which was disposed of vide order dated 08.05.2023 wherein the issue of appointment of an arbitrator was raised. The Hon'ble Supreme Court declined to interfere with the issue of appointment of the arbitrator, however, the question of seat of arbitration was left open.

It is noted that the respondent has duly participated in the proceedings before the arbitral tribunal and the pleadings have been completed. Nowhere from the pleadings it can be asserted that the issue regarding the seat of arbitration has been challenged. Nevertheless, the respondent is at liberty to move an appropriate application in accordance with law before the arbitral tribunal to agitate said issue, since the present application only seeks an extension of the mandate of the arbitral tribunal.

Be that as it may, this Court is of the considered opinion that the learned arbitrator has been conducting the arbitration proceedings diligently without any unwarranted delay. The matter is presently at the stage of recording

evidence. This Court deems it appropriate to extend the mandate of the Arbitral Tribunal for a further period of one year from today to conclude the proceedings before the tribunal and to publish the award.

The learned sole arbitrator is accordingly requested to conclude the arbitral proceedings within extended time period.

With the aforesaid direction the present application is disposed of.

(GAURANG KANTH, J.)

R. D. Barua