

OCD-21

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE
COMMERCIAL DIVISION

AP-COM/354/2024 (Old No.AP/508/2023)

PRAKASH CHANDRA MOHANTY
VS
M/S. BBTA-RCPL (JV)

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date :7th January, 2025.

Appearance:

Mr.Sanjoy Bose, Adv.
Mr. Priyankar Basu Mallick, Adv.
Mr. Sayandeep Chanda, Adv.
...for the petitioner.

Mr. Swatarup Banerjee, Adv.
Mr. P. Mukherjee, Adv.
Mr. S. Haque, Adv.
Mr. S. Biswas, Adv.
. . . for the respondent.

The Court: AP-COM 354 of 2024 is an application for extension of the mandate of the learned Arbitrator under Section 29A(4) of the Arbitration and Conciliation Act, 1996.

It is submitted that the mandate of the learned Arbitrator expired. The proceedings are in the stage of recording evidence.

Mr. Banerjee, learned Advocate for the respondent submits that the mandate of the learned Arbitrator should not be extended as not much progress has been made in the proceedings.

Learned Advocate for the petitioner submits that even if the progress is not noteworthy, the application cannot be rejected on such

ground as this Court has the power to substitute the learned Arbitrator while extending the mandate.

Under such circumstances and considering the records, this Court deems it fit to allow the application by appointing Mr. Subir Sanyal, learned Senior Advocate as the substitute Arbitrator in place and stead of the erstwhile Arbitrator, to adjudicate the disputes between the parties. This order is subject to compliance of Section 12 of the Arbitration and Conciliation Act, 1996.

The learned Arbitrator shall fix his remuneration in terms of the Schedule of the Act.

It is made clear that the proceedings shall continue from the stage it was last held.

The parties will be at liberty to pray before the erstwhile learned Arbitrator for return of all the documents, pleadings, depositions etc. and file the same before the learned substituted Arbitrator.

AP-COM/354/2024 (Old No.AP/508/2023) is, accordingly, disposed of.

(SHAMPA SARKAR, J.)

Sb/pa