

ORDER SHEET

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

AP-COM/804/2025

DEBASISH SAMANTA
Versus
SRI BISWAJIT SARKAR AND ORS

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH

Date : 11th November, 2025.

Appearance

Mr. Shounak Mukhopadhyay, Adv.
Mr. Samrat Mukherji, Adv.
Mr. Rik Mukherji, Adv.
...for the petitioner

Mr. Parikshit Basu, Adv.
Mr. Bhaskar Dwivedi, Adv.
Ms. Bidisha Manna, Adv.
...for the respondent no.1

Mr. Diptomoy Talukder, Adv.
...for the respondent nos. 4 & 5

The Court: This is an application filed by the petitioner under Section 29A of the Arbitration and Conciliation Act, 1996, seeking extension of time for concluding the arbitral proceedings and publication of the award.

This Court vide order dated 13.12.2023 appointed the learned sole Arbitrator for adjudicating the dispute between the parties.

Learned Counsel for the petitioner submits that the respondent nos. 1, 2 and 3 subsequently abstained from participating before the arbitral tribunal and, eventually, vide order dated 22nd May, 2025, the matter was

set *ex parte* as against all the respondents by the learned Arbitrator. The respondent no. 1 filed the statement of defence on 22.07.2022. Hence, the said date can be treated as the date of completion of the pleadings.

The mandate of the arbitral tribunal expired on 22nd July, 2025. The petitioner has therefore filed the present application seeking the extension of the mandate of the arbitral tribunal.

Learned Counsel for the petitioner has drawn the attention of this Court to the conduct of the respondent nos. 1, 2 and 3, who had stopped appearing before the learned Arbitrator. It has also been recorded in the order dated 22nd May, 2025 that the conduct of the respondent nos. 1, 2 and 3 indicates that they are not interested in proceeding with the Arbitral Tribunal and thus, the learned sole Arbitrator had proceeded *ex parte* against the respondents.

Learned Counsel for the respondent no.1 states that the respondent no. 1 has objection to the extension of the timeline of the arbitral tribunal. He further contends that the contract which forming the basis of the arbitration proceedings is itself false and fabricated.

However, this Court is of the *prima facie* opinion that since respondent no. 1 did not participate in the arbitral proceeding, such contentions could and ought to have been raised before the learned Tribunal. To use this ground for opposing the extension or continuation of the timeline of the arbitral tribunal, would be contrary to the mandate of the Tribunal. The conduct of the respondent, therefore is not such as to inspire the confidence of this Court to take the said contention into account.

Learned Counsel for the respondent nos. 4 and 5 states that they have no objection to the present petition and consent to the extension of the time period of the arbitral tribunal.

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 for a further period of eight months from today.

Learned Sole Arbitrator is requested to ensure that the arbitral proceedings are concluded and the award is published within the time extended by this Court.

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

(GAURANG KANTH, J.)