

ORDER SHEET

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

AP-COM/851/2025
GORA CHAND SADHUKHAN
VS
M/S. JOYKALI OIL MILL AND COMPANY AND ANR.

BEFORE:
The Hon'ble JUSTICE GAURANG KANTH
Date : 25th November, 2025.

Appearance
Mr. Rahul Karmakar, Adv.
Mr. Sourav Guchait, Adv.
Mrs. Ishita Kundu, Adv.
..for the petitioner
Mr. Souradeep Banerjee, Adv.
Ms. S. Sinha, Adv.
..for the respondents.

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 conclusion of the arbitral proceedings and publication of the award.

It is a case of the petitioner that this Court vide order dated 21st December, 2023 appointed the sole arbitrator to adjudicate the disputes between the parties. The pleadings were completed on 16th April, 2024. With the consent of both sides, the mandate of the arbitral Tribunal was further extended for a period of six months. The mandate of the said tribunal expired on 15th October, 2025; thereafter the petitioner filed an application under section 29A for extension of mandate before the Learned Commercial Court at Rajarhat being Misc. (Arb) Case no. 48 of 2025.

Learned counsel for the petitioner submits that, during the pendency of the said application, the petitioner aware of the order dated 23rd September, 2025 passed by a co-ordinate Bench of this Court in AP-COM/296 of 2025, wherein it was held that when the appointment of the arbitrator has been made by this Court, the jurisdiction to consider an application under section 29A of the Arbitration and Conciliation Act, 1996, vests exclusively in this Court.

In view thereof, the petitioner withdrew the Misc. (Arb) Case No. 48 of 2025 on 7th November, 2025, with liberty to file afresh before this Court.

Mr. Karmakar, learned counsel for the petitioner further submits that the pleadings in the arbitral proceedings stand completed. It is further contended that applications under sections 17 and 31(6) of the Arbitration and Conciliation Act, 1996 have been filed, the trial has not yet commenced, and the application under section 17 seeking interim relief is still pending adjudication.

Learned counsel for the respondents does not oppose the present application.

Upon considering the submissions of the parties and the materials placed on record, this Court is satisfied that there has been no unwarranted or undue delay on the part of the sole arbitrator in conducting the proceedings. Having regard to the stage of the arbitration and in the interest of justice, the mandate of the sole arbitrator is extended for a further period of one year from today.

Learned sole arbitrator is requested to make all reasonable endeavours to ensure that the arbitral proceedings are concluded and the award is published within the extended time period.

With the above observations, the present application being AP-COM/851/2025 stands disposed of.

(GAURANG KANTH, J.)

Arsad