

ORDER

OCD-2

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/868/2025

TECHNO ELECTRIC AND ENGINEERING COMPANY LIMITED
VS
BENGAL ENERGY LIMITED

BEFORE
HON'BLE JUSTICE GAURANG KANTH
Date: November 26, 2025.

Appearance:-

Mr. Jishnu Saha, Sr. Adv.

Mr. Ishaan Saha, Adv.

Mr. Orijit Chatterjee, Adv.

Ms. S. Mukherjee, Adv.

Ms. Neha Sinha, Adv.

...for petitioner.

Ms. Urmila Chakraborty, Adv.

Mr. Aasish Choudhury, Adv.

Ms. Uma Banerjee, 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 time for conclusion of the arbitral proceedings and for publication of the arbitral award.

It is the case of the petitioner that this Court vide order dated 13.12.2019 appointed Mr. Malay Kumar Ghosh as a sole arbitrator to adjudicate the disputes between the parties. However, the said arbitrator vide

letters dated 19.06.2021 expressed his inability to continue as the Arbitrator and to withdraw from the reference. Hence, this Court vide order dated 20.07.2021 terminated the mandate of the earlier arbitrator and appointed Mr. Syama Prosad Sarkar, as a sole arbitrator. In the meanwhile, the learned sole arbitrator, namely, Mr. Syama Prosad Sarkar passed away on 27.07.2022. The petitioner, thereafter, filed an application bearing A.P. No. 617 of 2022 under Sections 14 and 15 of the Act for appointment of a new arbitrator. The said application was disposed of by an order dated 01.09.2022 of this Court appointing Mr. Utpal Bose, senior advocate, as a sole arbitrator, with the consent of both the parties. Pleadings were completed on 16.11.2022. The mandate of the arbitral tribunal expired on 16.11.2023. Thereafter, with the consent of the parties the mandate was extended till 15.05.2024. Thereafter, this Court vide orders dated 08.07.2024 and 18.11.2024 extended the mandate of the arbitral tribunal by six months and one year respectively. Hence, now the mandate of the arbitrator has expired on 18.11.2025. It is stated by the learned counsel for the petitioner that the matter is at the stage of final arguments.

Learned counsel for the respondent states that she has no objection to the present application being allowed. It is stated that the arbitral tribunal has conducted more than 43 hearings and has recorded evidence and the proceedings are presently at the stage of final arguments.

Upon consideration of the submissions of the parties and materials placed on record, 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. 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 six months from today. The learned arbitrator is requested to make all reasonable endeavour to ensure that the arbitral proceedings are concluded and the award is published within the extended time period.

With the above direction, the present petition stands disposed of.

(GAURANG KANTH, J.)

R. D. Barua