

ORDER SHEET

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

AP-COM/872/2025
KIRAN PATRA AND ANOTHER
VS
RATNA DEY AND OTHERS

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH

Date : 2nd December , 2025.

Appearance

Mr. Ayan Banerjee, Adv.
Mr. Avijit Bhowmik, Adv.
Ms. Debasree Dhamali, Adv.
Ms. Pooja Agarwal, Adv.
Ms. Debolina Ghosh, Advb.
..for the petitioner.
Mr. Shoham Sanyal, Adv.
Mr. Indranil Chandra, Adv.
..for the respondents

The Court: The present application has been filed under section 29A of the Arbitration and Conciliation Act, 1996 seeking extension of the mandate of the arbitral tribunal for conclusion of the arbitral proceedings and publication of the arbitral award.

Mr. Ayan Banerjee, learned counsel for the petitioner submits that this Court vide order dated 22nd March, 2021, appointed a sole arbitrator to adjudicate the dispute between the parties. The respondents challenged the mandate of the arbitral tribunal under section 16 of the Act, however, the said challenge was dismissed with costs.

In the meantime, the statutory period of twelve months from the date of completion of the pleadings expired on 1st February, 2023. Since the respondents declined to grant the consent for extension of the mandate, the

petitioner approached this Court under section 29A of the said Act. By an order dated 30th August, 2023, the mandate of the arbitral tribunal was extended for a period of six months. Upon expiry of the extended period, the petitioner once again approached this Court.

The respondent contested the application and vide order dated 01.12.2023, this Court substituted the arbitrator. The respondents challenged the said order before the Hon'ble Supreme Court in SLP No. 210 of 2024, which came to be dismissed on 08.01.2024. Since the mandate of the newly appointed arbitral Tribunal was due to expire on 29.02.2024, the petitioner again moved an application before this Court for extension of the mandate of the arbitral tribunal. Vide order dated 22nd April, 2024, this Court extended the mandate further for a period of six months i.e. till 21.10.2024.

On subsequent application, this Court vide order dated 19th November, 2024, further extended the mandate of the learned tribunal for a period of one year from the date of communication of the order to the learned Arbitrator. However, by an order dated 10.03.2025, the learned sole arbitrator was elevated to this Court, necessitating substitution under section 15 of the said Act.

Accordingly, vide order dated 29th April, 2025, the new arbitrator was appointed. The matter presently stands at the final stage of argument.

Learned counsel for the respondents states that he has no objection to the extension of the mandate of the arbitral tribunal. The record indicates that multiple challenges were raised to the mandate of the arbitral tribunal including proceedings carried up to the Supreme Court. The matter also requires substitution of the arbitrator on two occasions. The present

arbitrator assumed the charge only on 29.04.2025 and has conducted the arbitral proceedings thereafter, which are now at the stage of final argument.

Upon consideration of the entire record, this Court is satisfied that there has been no undue or unwarranted delay on the part of the learned sole arbitrator to conduct the proceedings. Having regard to the advanced stage of the proceedings and in the interest of justice, the mandate of the arbitral tribunal is extended for a further period of six months from today.

Learned sole arbitrator is requested to make all reasonable endeavours to complete the arbitral proceedings and publish the award within the extended period.

With the above observations, the present petition being AP-COM/872/2025 is disposed of.

(GAURANG KANTH, J.)