

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/24/2025

PANCHDEEP CONSTRUCTION LIMITED
VERSUS
NATIONAL PROJECTS CONSTRUCTION CORPORATION LIMITED

BEFORE :

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 20th March, 2025.

Mr. Nilanjan Bhattacharjee, Sr. Adv.
Mr.Arpan Guha, Adv.
Mr.Saikat Dey, Adv.
. . . for the petitioner.

Mr. Debajyoti Basu, Sr. Adv.
Mr. Diptomoy Talukder, Adv.
Mr.Dibyendu Ghosh, Adv.
. . . for the respondent.

1. Heard the learned Advocates for the respective parties on the point of maintainability.
2. In view of the decision of the Hon'ble Apex Court in the matter of *Chief Engineer (NH) PWD (Roads) Vs. BSC & C and C JV* reported in *2024 SCC OnLine SC 1801*, the application for extension of the mandate of the learned Arbitrator filed under Section 29A of the Arbitration and Conciliation Act, 1996 is not maintainable before this Court on the ground of lack of jurisdiction. Paragraphs 2 and 3 of the said decision are quoted below :-

“2. The power under sub-Section (4) of Section 29A of the Arbitration Act vests in the Court as defined in Section 2(1)(e) of the Arbitration Act. It is the principal Civil Court of original jurisdiction in a district which includes a High Court provided the High Court has ordinary original civil jurisdiction.

3. In this case, the High Court does not have the ordinary original civil jurisdiction. The power under sub-Section (6) of Section 29A is only a consequential power vesting in the Court which is empowered to extend the time. If the Court finds that the cause of delay is one or all of the arbitrators, while extending the time, the Court has power to replace and substitute the Arbitrator(s). The said power has to be exercised by the Court which is empowered to extend the time as provided in sub-Section (4) of Section 29A of the Arbitration Act.”

2. The petitioner has already approached the learned Commercial Court at Alipore under Section 9 of the Arbitration and Conciliation Act, 1996, thereby treating the said court to be the principal civil court having jurisdiction to entertain any application arising out of the subject dispute.
3. Under such circumstances, the application is dismissed on the ground of lack of jurisdiction.
4. The petitioner is at liberty to proceed in accordance with law.

(SHAMPA SARKAR, J.)