

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/353/2026

MS BGM CONSORTIUM LIMITED

VS

MS BRIDGE AND ROOF COMPANY I LIMITED

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH

Date : 20th May, 2026.

Appearance

Mr. Arnab Chakraborty, Adv.
Ms. Pragya Bhowmick, Adv.
Ms. Rimi Mondal, Adv.
...for the petitioner

Mr. Debangshu Biswas, Adv.
Mr. Amit Kumar Saha, Adv.
...for respondent

The Court:- The petitioner has preferred the present petition under Section 29A of the Arbitration and Conciliation Act, 1996 seeking extension of the mandate of the Arbitral Tribunal for completion of the arbitral proceedings and publication of the award.

Learned Counsel appearing for the petitioner submits that this Court vide Order dated 16.10.2023 had appointed Justice Samaresh Banerjea (Retd.) as sole Arbitrator to adjudicate the disputes between the parties. It is submitted that the learned Tribunal conducted 14 sittings and the parties completed their respective pleadings and also filed their evidence. However, during the pendency of the arbitral proceedings, the learned sole Arbitrator passed away on 06.04.2025. Thereafter, by Order dated 16.12.2025, this

Court substituted the earlier Arbitrator by appointing Justice Bhaskar Bhattacharya (Retd.) as the sole Arbitrator.

Subsequently, the learned sole Arbitrator vide e-mail dated 06.01.2026, recused himself from the office of the Arbitrator on personal ground.

In such circumstances, this Court again by Order dated 19.03.2026 substituted the sole Arbitrator and appointed Justice Subhro Kamal Mukherjee (Retd.) as the learned sole Arbitrator.

It is further submitted that the pleadings in the arbitral proceedings were completed on 13.04.2024. Thereafter, with the consent of the parties the mandate of the Arbitral Tribunal stood extended till **29th October, 2025**.

However, with subsequent changes in the office of the learned Arbitrator the mandate could not be extended thereafter.

In view thereof the petitioner has preferred the present petition seeking extension of the mandate of the Arbitral Tribunal.

Learned Counsel for the respondents states that he has no objection to the said extension of the mandate of the Arbitral Tribunal.

Upon consideration of the submissions of both the parties and the 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 advanced stage of the proceedings and in the interest of justice, the mandate of the learned sole Arbitrator is extended for a further period of one year from today.

Learned sole Arbitrator is requested to make all reasonable endeavours to conclude the arbitral proceedings and publish the arbitral award within the extended time period.

With the aforesaid directions, the present petition stands disposed
of.

(GAURANG KANTH, J.)

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