

OCD-13

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/365/2026

MSTC LIMITED

VS

SESA INTERNATIONAL LIMITED

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH

Date : 17th June, 2026.

Appearance:

Mr. Ratnanko Banerjee, Sr. Adv.

Ms. Sristi Barman, Adv.

Mr. Kamal Kr. Chattopadhyay, Adv.

...for the petitioner/MSTC

Ms. Noelle Banerjee, Adv.

Mr. S. K. Kasera, Adv.

...for the respondent

The Court :- Affidavit filed by the respondent is taken on record.

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 conclusion of the arbitral proceedings and publication of the arbitral award.

Learned Senior Counsel for the petitioner, Mr. Banerjee, submits that by way of abundant caution as recorded in the minutes of the meeting dated 4th May, 2026, the present application has been preferred.

Learned Counsel for the parties, at the outset, submit that the arbitral proceedings commenced in the year 2009, prior to the coming into force of

the Arbitration and Conciliation (Amendment) Act, 2015, with effect from 23rd October, 2015.

Learned Counsel for the parties submit that the present application ought not to have been filed but has been preferred only in view of the observation made by the learned Sole Arbitrator by way of abundant precaution.

Both the parties submit that no application for extension is required as the arbitration was invoked prior to the coming into force of the Arbitration and Conciliation (Amendment) Act, 2015. The question that arises for consideration is whether Section 29A and the time limits prescribed therein are applicable to arbitral proceedings that had commenced prior to the coming into force of the Arbitration and Conciliation (Amendment) Act, 2015. It is pertinent to note that in the principal act no time limit was prescribed for making an arbitral award. Such time limits were introduced for the first time by insertion of Section 29A vide the Arbitration and Conciliation (Amendment) Act, 2015. As such, neither Section 29A nor the time limits prescribed therein are applicable to the present arbitral proceeding. Additionally, none of the parties have any objection to the continuation of the arbitration proceedings. The issue raised in the present application is, therefore only academic in nature and is answered accordingly.

It is well settled that Section 29A of the Arbitration and Conciliation Act, 1996, which prescribes a time-limit for the making of an arbitral award, was inserted for the first time by the Arbitration and Conciliation (Amendment) Act, 2015, with effect from 23.10.2015. By virtue of Section 26

of the said Amendment Act, its provisions, including Section 29A, do not apply to arbitral proceedings which commenced, in accordance with Section 21 of the principal Act, prior to the date of commencement of the Amendment Act, unless the parties otherwise agree. The Hon'ble Supreme Court in ***Board of Control for Cricket in India v. Kochi Cricket Private Limited, (2018) 6 SCC 287***, while examining the scope of Section 26, held that since timelines for the making of an arbitral award were laid down for the first time by Section 29A, the said provision, though procedural in character, created new obligations in respect of a proceeding already pending under the unamended Act, and could not, therefore, be given retrospective effect. This position has consistently been followed by the High Courts, including by the Delhi High Court in ***Zillion Infraprojects Pvt. Ltd. v. Fab-Tech Works & Constructions Pvt. Ltd. [O.M.P.(MISC.) (COMM.) 674/2023]***. In the present case, since the arbitral proceedings between the parties admittedly commenced in the year 2009, i.e., prior to the coming into force of the Arbitration and Conciliation (Amendment) Act, 2015, Section 29A of the Act and the time limits prescribed thereunder have no application to the present proceedings.

Learned Counsel for the respondent state that she has no objection to the continuation of the arbitral proceedings and further submits that any contention regarding arbitrability or any other issue shall be decided by the learned Sole Arbitrator in accordance with law.

Accordingly, the petition, along with the pending application is disposed of. The learned Arbitrator shall make all reasonable endeavours to

conclude the arbitral proceedings expeditiously. All rights and contentions of the parties are kept open before the Learned Arbitrator.

Accordingly, the petition, along with the pending application is disposed of leaving all the contention open before the learned Arbitrator. The learned Arbitrator shall make all reasonable endeavours to conclude the arbitral proceedings expeditiously.

(GAURANG KANTH, J.)

S. A.
AR (CR)