

OCD-3

ORDER SHEET

AP-COM/981/2024
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL DIVISION
ORIGINAL SIDE

PROGRESSIVE CONSTRUCTION CO.

VS

BBT ELEVATED ROAD PVT.LTD.

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 16thDecember, 2024.

Appearance:

Mr. Sanjib Kumar Mal, Adv.
Mr. Atanu Roychowdhuri, Adv.
Mr. Pushan Majumdar, Adv.
...for the petitioner
Mr. Rachit Lakhmani, Adv.
Ms. Pooja Sah, Adv.
...for the respondent

The Court: The petitioner seeks extension of the mandate of the arbitrator. The respondent contests such prayer on the ground that in view of the moratorium, the petitioner cannot continue with the arbitration proceeding, seeking monetary claim against the respondent. Direction for affidavits had been passed. The affidavit-in-opposition is yet not ready.

Mr. Mal, learned advocate submits that statutory limit of 330 days beyond which the moratorium cannot be extended, has expired. Mr. Lakhmani

submits that under exceptional circumstances, as held by the Hon'ble Apex Court, moratorium beyond 330 days can be granted by the NCLT.

Under such circumstances, time to file affidavit-in-opposition is extended to enable Mr. Lakhmani to incorporate the exceptional circumstances under which the moratorium can be extended beyond 330 days in this case and whether NCLT has passed any such order.

Let affidavit-in-opposition be filed by 7th January, 2025; reply thereto, if any, by 14th January, 2025. List this matter on 21st January, 2024.

(SHAMPA SARKAR, J.)

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