

OCD-3

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/618/2025

MD. WASIM AND ANR.
VS

M/S. BENGAL REFRIGERATION AND COMPANY AND ORS.

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH

Date : 12th August, 2026.

Appearance:

Ms. Sampurna Chandra, Adv.
...for the petitioner

Ms. Amrita Pandey, Adv.
Ms. Sayanwita Auddy, Adv.
...for respondent no.2

Mr. Syed E. Huda, Adv.
Sk. Aptabuddin, Adv.
...for respondent no.3

The Court: The petitioners have preferred the present petition under Section 29A(4) 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 arbitral award.

Learned Counsel for the petitioners submits that the time for conclusion of the arbitral proceedings had earlier been extended by consent of the parties, in exercise of powers under Section 29A(3) of the Arbitration and Conciliation Act, 1996, till 24.11.2024. However, the proceedings could not be concluded within the said stipulated period. It is further submitted that the order on the petitioner's application seeking amendment of the

statement of claim is still pending before the learned Arbitrator. Learned Counsel for the petitioner states that the petitioner was under bona fide impression that no further extension of the mandate was permissible beyond the extended period granted by the learned Arbitrator. She further submits that upon coming to know that this Court is empowered under Section 29A(4) of the Act to further extend the mandate of the Arbitral Tribunal, the petitioners have preferred the present petition seeking extension of time, though with a delay of approximately eight months. Learned Counsel for the petitioner submits that it was mutually agreed between the parties that no oral evidence will be required and that the arbitration can be decided on the basis of pleadings and documents which are already on record. Accordingly, the petitioner seeks extension of the mandate of the Arbitral Tribunal to conclude the arbitral proceedings and publish the award.

Learned Counsel for the respondents submits that there has been a delay on the part of the learned Counsel for the petitioner in preferring the present petition though the same has been candidly admitted by the learned Counsel for the petitioner.

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 further for a period of ten months from today.

The 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 observations, the present petition stands disposed of.

(GAURANG KANTH, J.)

R.Bhar