

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/607/2026

THE HOOGHLY MILLS COMPANY LIMITED
VS
ACUMEN (J) MARKETING PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH

Date :12th August, 2026.

Appearance:

Mr. Sabyasachi Chowdhury, Sr. Adv.

Mr. Rajarshi Dutta, Adv.

Ms. S. Bhattacharya, Adv.

Ms. Megha Das, Adv.

...for petitioner.

Mr. Shuvasish Sengupta, Adv.

Mr. Balarko Sen, Adv.

Mr. Suvradal Chowdhury, Adv.

...for respondent.

The Court: Affidavit of service is taken on record.

The petitioner has 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 conclusion of the arbitral proceedings and publication of the arbitral award.

This Court vide order dated 05.02.2021 constituted the Arbitral Tribunal to adjudicate the disputes between the parties. The pleadings were completed and with the consent of the parties, the mandate of the Arbitral Tribunal was extended for a further period of six months. Subsequently, this Court vide orders dated 21.01.2025 and 28.01.2026 further extended the mandate of the Arbitral Tribunal by one year and six months respectively.

Mr. Chowdhury, learned senior counsel for the petitioner, submits that the arbitral award was published on 8th August, 2026.

Learned Counsel for the respondent raises an objection that the learned Arbitrator, having since been elevated to the Bench, was not competent to have passed the award. This objection is misconceived. The learned Arbitrator assumed judicial office upon taking oath at 4:15 p.m. on 8th August, 2026, whereas the award was passed earlier that day, at 2:00 p.m., prior to his elevation. The objection, therefore, does not affect the validity or publication of the award.

Upon consideration of the submissions advanced by the parties and the material 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 arbitral proceedings.

It is noted that the mandate of the learned Arbitral Tribunal, as last extended by this Court's order dated 28.01.2026 for a period of six months, stood expired prior to the passing of the award on 8th August, 2026. In view of the fact that the award has since been rendered, and no prejudice having been demonstrated by either party on account of the said lapse, this Court, in exercise of its powers under Section 29A(4) of the Arbitration and Conciliation Act, 1996, extends the mandate of the learned Arbitral Tribunal retrospectively, with effect from the date of expiry of the previous extension, up to and including 8th August, 2026, so as to validate the arbitral proceedings and the award passed on that date.

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

(GAURANG KANTH, J.)