

Court No. - 9

Case :- CIVIL MISC. ARBITRATION APPLICATION No. - 21 of 2023

Applicant :- Maruti Papers Private Limited (Formerly Known As Maruti Papers Limited)

Opposite Party :- The New India Assurance Company Limited And 2 Others

Counsel for Applicant :- Kalpana Sinha

Counsel for Opposite Party :- Rohan Gupta

Hon'ble Rohit Ranjan Agarwal,J.

Heard learned counsel for the applicant and counsel appearing for the opposite party.

This is an application under Section 29A(4) read with Section 11(4) of the Arbitration and Conciliation Act, 1996 (*hereinafter called as 'Act of 1996'*).

The facts are that applicant is a private limited company incorporated under the provisions of Companies Act having its registered office at Kanpur. While respondent no. 1 is public sector undertaking of the Government of India. The premises of the applicant company was insured through the insurance policy of respondent company. A fire incident occurred at the premises of the applicant company on 26.04.2019. A claim was made pursuant to insurance policy. A part of the claim was allowed and part of it was rejected. A dispute arose which led to the invocation of the arbitration clause and filing of application under Section 11(4) of the Act of 1996 being Application No. 56 of 2021. This Court appointed former Judge of this Court Mr. Justice R.D. Khare as the sole arbitrator vide order dated 06.09.2021 and 24.09.2021.

The arbitral proceedings were initiated by sole Arbitrator. The defence statement was filed on 29.04.2022 and period for completing the arbitral proceedings as under the Act expired on 28.04.2023. The mandate was extended by mutual consent of the parties in view of Section 29A(3) of Act for a period of six months from 28.04.2023.

The present application has been moved for extending the mandate of the Arbitrator in view of Section 29A(4).

Learned counsel for the opposite party states that he has no objection in case the mandate of the Arbitrator is extended.

After hearing learned counsel for the parties and perusing the material on record, it is clear that already the pleadings have been exchanged between the parties and cross-examination of the applicant-claimant witness has already been conducted,

In view of said fact, six months' further time is granted to Arbitrator to complete the arbitral proceedings invoking the provisions of Section 29A(4) of the Act.

The application stands allowed.

The mandate of the Arbitrator is extended by a period of six months. The period of six months shall be counted from 27.10.2023.

Order Date :- 3.11.2023

V.S.Singh