

3 On 18th December, 2015 petitioner referred the dispute to sole Arbitrator Mr. B.A. Shelar (former Additional Chief Metropolitan Magistrate, Mumbai). On 21st December, 2015 Arbitrator entered into reference and on 30th December, 2015 issued necessary directions. On 28th January, 2016 petitioner filed their statement of claim alongwith documents and on 17th February, 2016 respondents sought time to file their defence statement and counter claim. Time was granted by the Arbitrator. On the next date, i.e., 30th March, 2016, respondents were absent. It is stated that on 28th April, 2016, which was the next date, respondents informed the Arbitrator that they are trying to settle the matter with petitioner and therefore, the matter was adjourned once again. The hearing on 4th May, 2016 was also adjourned in view of on going settlement talks and on 15th June, 2016 petitioner informed the Arbitrator that settlement talks have failed. On 29th June, 2016 respondent no.2 started fresh negotiation for settlement based on which the Arbitrator once again adjourned the matter but made it clear that no further time will be granted for filing their defence statement. On 27th July, 2016 respondent no.1 filed his defence statement. On 24th August, 2016 respondent nos.2 and 3 filed their defence statement and on 5th October, 2016 respondent nos.4 to 6 filed their defence statement.

4 On 9th November, 2016 respondents raised the issue of jurisdiction before the Arbitrator which was heard and disposed by an order

dated 18th November, 2016 whereby the learned Arbitrator rejected the objection to jurisdiction raised by respondents.

5 Petitioner was directed to commence leading evidence and on 7th December, 2016 petitioner sought some time to file affidavit in lieu of examination in chief and on 14th December, 2016 petitioner filed its affidavit in lieu of examination in chief. On 17th January, 2017 respondents were absent and again on 15th February, 2017 respondents were absent.

6 By then, as one year period had lapsed, the present petition came to be filed. One thing that requires to be noted is that the learned Arbitrator has been giving very short adjournments. Ofcourse, the learned Arbitrator was bit indulgent with respondents in giving them a long rope to file their defence statement. After filing the defence statement, respondents raised the issue of jurisdiction. From the conduct of respondents, it is quite clear that respondents wanted to delay the arbitral proceedings and if the time for the Arbitral Tribunal to complete arbitration proceedings is not extended, it would amount to respondents having succeeded in their dishonest attempts in delaying the arbitral proceedings and thereby sabotaging the same.

7 Therefore, in my view, this is a fit case for the Arbitral Tribunal to be given extension to complete the arbitration proceedings. Time to complete arbitration proceedings and publish an Award is extended upto and including 10th March, 2018.

8 The learned Arbitrator to endeavor to complete arbitration proceedings by 10th March, 2018. The learned Arbitrator to fix minimum two/three dates per session for arbitration proceedings. If the parties do not respond promptly within 48 hours of receiving a communication from the learned Arbitrator suggesting the subsequent dates, the learned Arbitrator to go ahead and fix the dates convenient to him and the parties shall make themselves available at the time and dates fixed by the learned Arbitrator. Once the dates are fixed, the learned Arbitrator not to grant adjournment on any ground whatsoever.

9 The petition accordingly stands disposed.

(K.R. SHRIRAM, J.)