

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 05TH DAY OF OCTOBER 2017

THE HON'BLE DR. JUSTICE ANITA SUMANTH

A. No.4142 of 2017

In the matter of Arbitration &
Conciliation Act, 1996

And

In the matter of Arbitration Claim
between M/s.Bharti Airtel Limited
& M/s.Laser Valley Telecom before
the Sole Arbitrator
Mr.S.Parthasarathy, Senior
Advocate

M/s.Bharti Airtel Limited,
having its Circle Office at
Oceanic Towers, 101,
Santhome High Road,
Santhome, Chennai-600 028.

... Applicant

-Versus-

1. M/s.Laser Valley Telecom,
No.27, Bazulla Road,
T.Nagar, Chennai-600 017
rep. by its Proprietor,
Mr.S.Karthik

2. Mr.S.Parthasarathy,
Senior Advocate,
Sole Arbitrator,
161/1, VM Street,
Royapettah, Chennai-600 014.

... Respondents

Application praying that this Hon'ble Court be pleased to
extend the time for the 2nd respondent to complete the
arbitration by period of atleast 6 months.

The application coming on this day before this court for
hearing the court made the following order:-

This application is filed seeking extension of time for completion of arbitration proceedings in terms of Section 29A (4) of the Arbitration and Conciliation Act, 1996 (in short, 'Act').

2. The relevant sequence of dates and events is as follows:

The Arbitrator has entered appearance in the matter on 24.02.2016. The first hearing of arbitration was on 05.03.2016 and on 02.04.2016 a challenge was raised by the respondent to the assumption of jurisdiction by the Arbitral Tribunal that was decided and disposed of confirming the jurisdiction of the Tribunal on 24.09.2016. The said order of the Arbitrator has attained finality. As such, the respondent has accepted the jurisdiction of the Tribunal and thus it can be stated that it was only effective from the last week of September, 2016 that proceedings for arbitration on merits were commenced. Thereafter, it appears that a claim statement was filed on 30.11.2016, defence was filed on 30.01.2017 and a rejoinder was filed on 16.03.2017 by the petitioner. Thereafter, time was granted on 15.04.2017, 02.05.2017 and 07.06.2017 for filing reply to the rejoinder by the respondent. However, instead of doing so, memo was filed on 07.06.2017 seeking termination of the proceedings for arbitration.

3. From a perusal of the aforesaid sequence of dates and events, it is apparent that the proceedings for arbitration have not been consciously delayed by the petitioner and in fact, if at all is there any delay, it is attributable to the respondent.

4. In the light of the matter, I would extend the time by six months in terms of Section 29A(4) of the Act. The arbitration proceedings shall be completed within a period of six months from the date of receipt of a copy of this order.

5. The Application is disposed of in the above terms.

sd/-A.S.M.J
05.10.2017

//Certified to be a true copy//

Dated this the day of 2017

MK 01/11/2017

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.