

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

938 CIVIL APPLICATION NO. 3489 OF 2018
IN
ARBITRATION APPLICATION NO. 8 OF 2014

RAJESH SHANTILAL LALWANI AND ANOTHER
VERSUS
DILIP ANANDA KOLHE AND OTHERS

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Advocate for Applicants : Mr. V. B. Patil
Advocate for Respondent Nos. 1 to 3 : Mr. S. P. Shah

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CORAM : V. K. JADHAV, J.
DATED : 9th MARCH, 2018

PER COURT :-

1. Heard both sides. Learned counsel for the applicants submits that by order dated 03.10.2016 this court has appointed an arbitrator and directed the parties to appear before the Arbitrator on 24.10.2016. Accordingly the parties have put their appearance before the Arbitrator on 24.10.2016 and the proceedings accordingly were commenced on that day.

2. Learned counsel for the applicants submits that in terms of amended provision of sub-section (1) of section 29-A of the Act the award shall be made within a period of twelve months from

the date of arbitral tribunal enters upon the reference and in terms of sub-section (3) of section 29-A the parties may, by consent, extend the period specified in sub-section (1) for making award for a further period not exceeding six months.

3. Even if the month of commencement of the proceeding is considered as October, 2016, the same was expired in the month of October, 2017. The parties accordingly sought extension of six months as provided under Sub-section (3) of Section 29-A of the Act and the learned Arbitrator has granted the said extension of six months.

4. Learned counsel for the applicants submits that due to voluminous documents and the number of properties involved in the matter, it was not possible to dispose of the arbitration proceedings even within the extended time of six months.

5. In view of the same, the learned counsel for the applicants submits that the further period of six months in terms of sub-section (4) of Section 29-A of the Act may be granted, for which learned counsel for the respondents has no objection.

6. It appears that the proceedings have not been delayed for the reasons attributed to the arbitral Tribunal nor to the parties and due to voluminous record and number of properties involved in the proceedings, the award could not be passed within the initial period and even in the extended period of six months.

7. In view of above, the civil application is allowed in terms of prayer clause 'B'.

8. Learned counsel for respondent Nos. 1 to 3 submits that respondent No.4 has already filed his application before the arbitral Tribunal stating therein that he does not wish to take part in the proceedings before the arbitral tribunal.

9. Civil application is accordingly disposed of.

(V. K. JADHAV, J.)

vsm/