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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.609 OF 2017

Tirtha Securities Pvt. Ltd.	...Petitioner
V/s.	
Bakliwal Securities Pvt. Ltd. & Anr.	...Respondents

WITH
ARBITRATION PETITION NO.610 OF 2017

Tirtha Securities Pvt. Ltd.	...Petitioner
V/s.	
Shradha Bakliwal	...Respondent

WITH
ARBITRATION PETITION NO.613 OF 2017

Tirtha Securities Pvt. Ltd.	...Petitioner
V/s.	
Bakliwal Commodities Pvt. Ltd. & Ors.	...Respondents

Mr.Sandeep Parikh with Mr.Priyanka Chaurasia i/b SKC Legal for the
Petitioner.

Mr.Rajesh Khandelwal with Ms.Mugdha Modi i/b Juris Link for the
Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 5TH JANUARY, 2018.

P.C. :-

1. These three arbitration petitions are filed under section

29-A of the Arbitration & Conciliation Act, 1996, *inter-alia* praying for extension of time for concluding the arbitral proceedings and rendering an award. The 12 months period has expired on 4th February, 2017. A perusal of the record indicates that even after expiry of 12 months period, the parties have participated in the arbitral proceedings. The respondents have also filed pleadings after expiry of 12 months period.

2. Be that as it may, a perusal of the record including the Roznama of the arbitral proceedings indicates that the respondents have filed number of applications before the learned arbitrator. Learned arbitrator has shown indulgence to both the parties to file the written arguments in those arbitral proceedings. The respondents are not agreeable for extension of time to conclude the arbitral proceedings and pray before this Court that the learned arbitrator be replaced by this Court.

3. Insofar as the prayer for replacement of the learned arbitrator is concerned, the same cannot be considered by this Court in these proceedings. The request for replacement is accordingly rejected.

4. A perusal of the record *prima-facie* indicates that the respondents were responsible for the delay in the arbitral proceedings and not the petitioner. The petitioner has thus made out

a case for extension of time to conclude the arbitral proceedings and rendering the award within the extended period.

5. Learned counsel for the parties state that the matter is at the stage of evidence. Since 12 months period has expired on 4th February, 2017, though the parties have participated in the arbitral proceedings, I am inclined to grant extension of time from 5th February, 2017 for a period of 18 months. The parties are directed to co-operate with each other and also with the learned arbitrator in rendering the award within the extended period. Learned arbitrator shall not grant any unnecessary adjournment to any of the parties.

6. Learned arbitrator shall also dispose of all the pending applications made before him by the parties before rendering the final award. It is brought to the notice of this Court that the respondents are not paying their contribution of fees to the learned arbitrator. The respondents are directed to pay their contribution of fees of the learned arbitrator for the past period and in future. The contribution of the respondents if paid by the petitioner, the same shall be informed to the respondents within two weeks from today. The contribution of fees of the respondents paid by the petitioner shall be reimbursed by the respondents within two weeks from the date of communication to the petitioner. Contribution of both parties towards learned arbitrator's fees and expenses shall be paid by the parties to the learned

arbitrator directly.

7. The above arbitration petitions are disposed of in aforesaid terms.

8. The parties as well as the learned arbitrator to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)