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

ARBITRATION PETITION NO. 967 OF 2018

Ashok Venkatesh @ Bandopant Deshpande	...Petitioner.
vs	
Gouri Arun Deshpande	...Respondent.

.....
Ms S.V.Sonawane for the Petitioner.
Mr Vijay Prakash Yadav a/w Mr D. Shukla for the Respondent.
.....

**CORAM : B.P.COLABAWALLA, J.
NOVEMBER 26, 2018.**

P.C. :

This Petition seeks an extension of time for a period of six months to complete the arbitration proceedings and pass the final award. Learned advocate appearing on behalf of the Respondent contended that the mandate of the Arbitral Tribunal ought not to be continued as the Respondent had lost confidence in the Arbitrator. In this regard he brought to my attention paragraph 4 of his affidavit-in-reply wherein it is contended as under:

*“4. I say that for reason mentioned above more particularly modification of direction dated 10.11.2017 by **post facto sanction** dated 17.12.2017 which was granted to the application dated 30.11.2017 of the claimant and which application was served upon the respondent only on 21.02.2018, the uncertainty of the proceedings from 17th December, 2017 onwards and also the reason as stated in order dated 04.07.2018 that tribunal cannot travel beyond the*

pleadings and prayers of the claimant and pleadings of the respondent in respect to properties of the firm does not constitute the fact in question compels this respondent seeking indulgence of this Hon'ble Court for substitution of arbitrator because respondent has lost the confidence in the present arbitrator."

2 I am not impressed with this argument. First of all no application has been made before the Arbitral Tribunal under Section 13 of the Arbitration and Conciliation Act, 1996 (for short "the Act"). Merely by stating that the Respondent had lost confidence in the Arbitrator would not dis-entitle me from extending the time to complete the arbitration proceedings. If and when an award is passed and if adverse to the respondent herein, he is always free to challenge the same under Section 34 of the Act and take up all contentions with reference to bias of the Arbitrator at that stage.

3 In this view of the matter, this Arbitration Petition is allowed and the time to complete the arbitration proceedings and pass a final award is extended by a period of six months from today. The Arbitration Petition is disposed of accordingly. No order as to costs.

(B.P.COLABAWALLA, J.)