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

COMM. ARBITRATION PETITION NO. 1188 OF 2018
IN
ARBITRATION PETITION NO. 752 OF 2016

Volkswagen Group Sales Industries Pvt. Ltd. ...Petitioner
vs
Essenn Automotive Pvt. Ltd. ...Respondent.

.....
Ms Priyanka Desai I/b M/s Khaitan & Co. for the Petitioner
Mr Parikshit Desai for the Respondent.

.....
**CORAM : B.P.COLABAWALLA, J.
DECEMBER 17, 2018.**

P.C. :

This Arbitration Petition has been filed seeking an extension of time to complete the arbitration proceedings and make a final award insofar as the counterclaim filed by the Petitioner herein (Respondent before the Tribunal) is concerned. This extension is sought for a period of six months.

2 Learned advocate appearing on behalf of the Respondent herein (claimant before the Arbitral Tribunal) has opposed granting of extension of time on the ground that the claimant is in serious financial difficulty and is unable to pay the fees of the Arbitrator. In the alternative the learned advocate submitted that the current

Arbitrator be substituted, who would charge more reasonable fees.

3 I find both these objections completely unsustainable. I must mention here that the arbitration proceedings were initially invoked by the claimant (the Respondent herein) in which the Arbitrator came to be appointed. The claimant did not pay the fees of the Arbitrator on the ground that they were in serious financial difficulties and this is how his claim was dismissed for non-payment of fees. They were also directed to pay the costs of Rs.1 Lac which has not been complied with till date. This Petition has been filed by the Respondent before the Arbitral Tribunal seeking an extension of time to complete the arbitration proceedings and pass a final award insofar as the counter-claim is concerned. The objections raised by the claimant, therefore, are wholly unsustainable.

4 In these circumstances, the time to complete the arbitration proceedings and make a final award insofar as the counter-claim is concerned, is extended by a period of six months from today. The Arbitration Petition is disposed of in the aforesaid terms. However, there shall be no order as to costs.

(B.P.COLABAWALLA, J.)