

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMM. ARBITRATION PETITION NO.1207 OF 2018

WITH

COMM. ARBITRATION PETITION NO.1209 OF 2018

Reliance Commercial Finance Ltd.

... Petitioner

v/s

Abhijeet Roads Ltd. and others

... Respondents

Mr Firoz Bharucha with Mr Ryan Sherif i/b M/s Manilal Kher Ambalal & Co. for Petitioner.

Dr Birendra Saraf with Mr Aditya Chopra, Ms Kirtika Seth, Ms Sayali Phansikar i/b M/s PSL Advocates and Solicitors for Respondents.

CORAM : B.P. COLABAWALLA, J.

DATE : 07th DECEMBER, 2018

P.C.:

1. This Arbitration Petition has been filed under section 29A of the Arbitration and Conciliation Act 1996 seeking an extension of time to complete the arbitration proceedings and pass a final award.

2. Dr Saraf, learned counsel appearing on behalf of the Respondents, has vehemently opposed the extension of time on the ground that it is the claimants themselves who have been solely responsible for the delay in

completion of the arbitration proceedings. It was his submission that there have been three amendment applications filed by Petitioner itself which has delayed the whole process. He therefore submitted that no extension ought to be granted. In the alternative, he submitted that they would be agreeable for extension of time if the learned Arbitrator is substituted under section 29A(6) of the Arbitration and Conciliation Act 1996.

3. I have heard Dr Saraf at some length. I do not find any merit in any of the submissions canvassed by Dr Saraf. It is not in dispute that the Arbitral Tribunal has already framed issues and the Petitioner herein has also filed its affidavit of evidence. In these circumstances, I am inclined to extend the mandate of the Arbitral Tribunal.

4. In these circumstances, it is ordered that the time to complete the arbitration proceedings and pass a final award is extended for a period of one year from today.

5. The reason why I have extended the time for one year is because Dr Saraf has brought to my attention that the Respondents themselves have filed an application before the Arbitrator under section 13 of the Arbitration and Conciliation Act 1996. According to Dr Saraf, this application will also have to be

decided. It is only in these circumstances that I have extended the time for one year from today.

6. It is made clear that merely by granting the extension of time will not in any way prejudice the application filed under section 13 before the Arbitrator and the same shall be decided by the Arbitrator on its own merits and in accordance with law.

7. The Arbitration Petition is disposed of in the aforesaid terms. There shall be no order as to costs.

(B. P. COLABAWALLA, J.)