

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

COMM. ARBITRATION PETITION NO.1272 OF 2018

Tata Motors Finance Solutions Ltd.

... Petitioner

v/s

Amit Gupta

... Respondent

Mr. Cyrus Ardeshir, Counsel with Mr Arnav Mohanty i/b M/s Wadia Ghandy and Co. for Petitioner.

Mr Anosh Sequeria with Mr Srihari Saranathan i/b Mr Vikrant Shetty for Respondent.

CORAM : B.P. COLABAWALLA, J.

DATE : 05th 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 for a period of six months to complete the arbitral proceedings and pass a final award.

2. The learned counsel appearing on behalf of the Respondent has fairly stated before me that he cannot have any objection to the time being extended. He, however, states that the Respondent is in financial difficulty and cannot afford the fees of Arbitrator. He therefore prays that under section

29A(6) of the Act, the Arbitrator may be substituted with some other Arbitrator whose fees would be more reasonable.

3. I am unable to accept this submission. Firstly, the provisions of section 29A(6) of the Act would be invoked by this Court only if this Court finds that the delay in conducting the arbitration proceedings is because due to any act of the Arbitrator or the conduct of the Arbitrator is such that he requires to be substituted. That is not even the case of the Respondent before me. This being the case, I am unable to accept the request of the Respondent to substitute the Arbitrator under section 29A(6) of the Act.

5. Considering that the learned counsel for the Respondent has fairly stated that he does not object to the time being extended, the time to complete arbitral proceedings and pass a final award is extended by a period of six months from today.

6. The Arbitration Petition is disposed of. However, there shall be no order as to costs.

(B. P. COLABAWALLA, J.)