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

ARBITRATION PETITION NO.517 OF 2019

Aashok Shah and anr ... Petitioner
V/s.
Nikhil Mohandas and ors ... Respondents

Mr. Rajni Divkar a/w Ms. Priyanka Pal and Mr. Pratik i/by
Little & Co., for the Petitioner.
Mr. Charles D'souza i/by Akshay P. Jadhav a/w Aneesa
Cheema, for respondent Nos. 1 & 2.

CORAM : G. S. KULKARNI, J.

DATE : 6th June 2019.

P.C. :

- 1] Heard learned counsel for the parties.
- 2] This application is filed under Section 29-A of the Arbitration and Conciliation Act, 1996 (for short, "ACA"), whereby the petitioner has prayed for extension of the mandate of the arbitral tribunal. It is stated that the mandate be extended by a period of 12 months from 20.12.2018 for publishing an award in the arbitral proceedings.
- 3] It appears that there was some issue on the stamp duty payable on the Memorandum of Understanding. Learned counsel for the petitioner has referred the order dated 29th April, 2016 passed by the Collector of Stamps, to submit that stamp duty on the Memorandum of Understanding

was adjudicated and the same is paid on behalf of petitioner. It appears that the said order dated 29th April, 2016 is passed subsequently to the order dated 16th April, 2019 passed by this Court (S.J. Kathawala).

4] In the above circumstances of the case, Mr. Charles D'souza, learned counsel appearing on behalf of respondent fairly submits that the arbitral tribunal was seized of the arbitral proceeding as also application filed under Section 17 of the ACA is to be adjudicated first. He submits that respondent has no objection for extension of the mandate to the arbitral proceedings as prayed by the petitioner, keeping open all the contentions of the parties.

4] In above situation and in the interest of justice, application is allowed by the following order.

Order

- i) The mandate of arbitral proceeding is extended by a period of 12 months from today, to conclude the arbitral proceeding and to publish an award.
- ii) The learned arbitrator shall hear the parties on Section 17 Application and pass appropriate orders as expeditiously as possible and preferably within a period of six weeks from today.
- iii) All the contentions of the parties are expressly kept open.
- iv) Application is disposed of in above terms.
- v) No cost.

[G. S. KULKARNI, J]