

Tauseef

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

COMMERCIAL ARBITRATION PETITION (L) NO.1208 OF 2019

Metropolis Healthcare Ltd.

...Petitioner

V/S.

Centre for Digestive And Kidney

Disease (India) Pvt. Ltd.

...Respondent

Dr. Birendra Saraf a/w. Yakshay Chheda & Ms. Warisha Parkar I/b.
Parinam Law Associates for Petitioner.

Mr. Rahul Jain a/w. Maaz Hashmi I/b. HSA for Respondent.

CORAM : G.S. KULKARNI, J.

Date : 09th OCTOBER 2019.

P.C. :

1. Heard Dr. Birendra Saraf, learned counsel for the petitioner and Mr. Rahul Jain, learned counsel for the respondent.

2. Learned counsel for the petitioner seeks leave to delete para 34 of the petition. Para 34 is allowed to be deleted. The amendment to be carried out during the course of the petition.

3. This is a petition filed under Section 29A of the Arbitration and Conciliation Act, 1996 (for short, “the Act”); whereby the petitioner has prayed for extension of time for a period of six months to enable the arbitral tribunal to complete the arbitral proceedings and publish an

award.

4. The arbitral tribunal by an order dated 31st August, 2018 ordered disclosure of certain documents that are in possession of the petitioner. Aggrieved by the said decision, the petitioner approached this Court under Section 37 of the Act. It was apprehension of the petitioner that the reasons and finding of the arbitral tribunal appear to be of a conclusive nature which would influence the final award. This Court, eventually clarified that the findings given by the arbitral tribunal in the impugned order are only prima facie in nature and dismissed the petition.

5. In the above circumstances, it is in the interest of the parties to proceed on merits before the arbitral tribunal and that the arbitral proceedings are concluded as expeditiously as possible.

6. Having perused the averments in the petition, the mandate of the arbitral to conclude the arbitral proceeding and publish an award is required to be extended. Accordingly the mandate of the arbitral tribunal is extended by six months from today. The parties are directed to co-operate the arbitral tribunal in the expeditious disposal of arbitral proceedings. The learned arbitrator shall not entertain unwarranted adjournments sought by the parties. The learned counsel for the parties agree for such cause of action.

7. The petition is accordingly disposed of in the above terms. No costs. All contentions are expressly kept open.

(G.S. KULKARNI, J.)