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

COMM. ARBITRATION PETITION NO. 52 OF 2019

Tata Capital Financial Services Ltd.	...Petitioner.
vs	
Kanchan Motors & Anr.	...Respondent.

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Mr Karl Tamboly a/w Mr Biswadeep Chakravarty & Ms Manasi Kalvit
I/b Mahernosh J. Humranwala for the Petitioner.
Mr Durgesh Kulkarni I/b Mayank Bagla for the Respondent.

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**CORAM : B.P.COLABAWALLA, J.
JANUARY 28, 2019.**

P.C. :

This Arbitration Petition has been filed under Section 29A of the Arbitration and Conciliation Act, 1996 (for short “the Act”) seeking an extension of time by a period of six months to complete the arbitration proceedings and pass a final award.

2 Learned advocate appearing on behalf of the Respondent has appeared today and sought time to file affidavit-in-reply to oppose the extension of time.

3 I am not inclined to grant the time. When asked, the learned advocate appearing on behalf of the Respondent submits that

there are two applications pending before the Arbitral Tribunal, namely, (i) under Section 16 of the Act and (ii) before this Court under Section 14 of the Act *inter alia* challenging the order passed by the Arbitrator under Section 12 of the Act. Since these applications are pending, time ought not to be extended, was the submission.

4 On the other hand, learned advocate appearing on behalf of the Petitioner states that the application that was filed under Section 16 of the Act before the Arbitrator has already been dismissed and the Arbitrator has held that the Arbitral Tribunal has jurisdiction to entertain and try the disputes raised between the parties.

5 I do not think that all these contentions are really germane to the present petition. The present petition only seeks an extension of time to complete the arbitral proceedings and pass a final award.

6 In these circumstances and considering the averments made in the petition, it is ordered that the time to complete the arbitral proceedings and pass a final award is extended by a period of six months from today. It is made clear that this order is passed without prejudice to the rights and contentions of the Respondent in

any applications, if pending, either before this Court or before the Arbitral Tribunal, which shall be decided on their own merits and in accordance with law. The Arbitration Petition is disposed of in the aforesaid terms. No order as to costs.

(B.P.COLABAWALLA, J.)