

A.No.4327 of 2019**PUSHPA SATHYANARAYANA, J.**

This application is filed by the applicant seeking to grant extension of time from 21.06.2019 for further period for completion of the Arbitral Proceedings .

2. Heard the learned counsel appearing on both sides.

3. The learned counsel appearing for the respondents has pointed out the averments made by the applicant in paragraph 8 of the affidavit, which reads as follows:

"8. I submit that being so, the mandate period of one year from the commencement of the arbitral proceedings expires on 21.06.2019 and the respondents are yet to file their Counter Statement in the Arbitral Proceedings. However, due to the non-cooperation of the respondent, the applicant is unable to extend the mandate period for a further term for completion of arbitral proceedings. The sole intention of the respondent in disagreeing to extend the mandate period is to delay and deny the legitimate claims payable by them to the applicant which further exhibits their malafide intent."

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4. According to the respondents, the applicant never approached the respondents for extension of time for them to disagree. However, the fact remains that the respondents had not filed their counter statement yet in the Arbitral proceedings. The learned counsel for the respondents also submitted that he is challenging the jurisdiction of the Arbitral Tribunal itself.

5. Considering the submissions made by the learned counsel on both sides, time is extended by six months from the date of receipt of a copy of this order for completion of the Arbitral proceedings and for passing the award. The parties are directed to co-operate with the Arbitrator for passing of the order as expeditiously as possible. It is open to the respondents to take all kind of objections legally and that may be decided by the Tribunal.

6. Accordingly, this application is ordered.

25.10.2019

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