

A.No.9213 of 2019
in
O.A.No.181 of 2017

M.SUNDAR.J.,

Instant application i.e., A.No.9213 of 2019 is under Section 29-A(4) of 'The Arbitration and Conciliation Act, 1996' ('A & C Act' for brevity). This application ought to have been filed as an independent application and not as an application in O.A.No.181 of 2017, which this Court is informed is an application under Section 9 of A & C Act.

2. Be that as it may, without entering into those procedural wrangles, at request of all the counsel before this Court, A.No.9213 of 2019 is treated as an independent application under Section 29-A(4) of A & C Act.

3. All the three counsel make a request in unison that the time for making award by the Arbitral Tribunal (To be noted, it is a three member Arbitral Tribunal constituted by three Hon'ble former Judges of this Court) may please be extended. Ms.Revathi Manivannan, learned counsel for applicant, Mr.Prahalad Bhat, learned counsel for first respondent and Mr.A.K.Hemanth Kumar, learned counsel of M/s.Aiyar & Dolia (Law Firm) on behalf of second respondent drew the attention of this Court to Paragraph 7 of the affidavit filed in support of instant application, which reads as

follows:

'07. The Petitioner submits that the Hon'ble Tribunal had acted earnestly and has ensured completion of pleadings. Thereafter in order to narrow down the issues between the parties and for effective adjudication, the Hon'ble Tribunal by its order dated 28.11.17 was pleased to appoint M/s.Deloitte Touche Tohmatsu India L.L.P., as an independent agency and directed to inspect and note down the hardware and software components and submit a report on or before 30.04.18. However, there was delay by M/s.Deloitte Touche Tohmatsu India LLP in submission of its report before the Hon'ble Arbitral Tribunal.

(underlining made by this Court to supply emphasis and highlight)

4. Adverting to aforesaid paragraph 7 of the affidavit, all the learned counsel submitted in unison that the time consumed or in other words, what is described as delay in obtaining report from the independent agency, is what has necessitated instant application.

5. In the light of consensus, it may not be necessary to dilate further on facts. Suffice to say that the prayer is not only innocuous, but also imperative, though this is a second application of this kind, earlier one being A.No.4417 of 2019, which came to be disposed of by learned Predecessor Judge by an order dated 01.07.2019, extending the time frame by 6 months. To be noted, prayer in the instant application is for extension by three months.

Instant Application ordered as prayed for.

16.12.2019

gpa

Note: Registry is directed to communicate a copy of this order to three Hon'ble Arbitrators, Hon'ble Mr.Justice N.Paul Vasanthkumar (Retd.), Hon'ble Mr.Justice K.Chandru (Retd.) and Hon'ble Mr.Justice K.Venkataraman (Retd.).



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