

A.No.9670 of 2019
in
O.P.No.592 of 2015

M.SUNDAR, J.

Mr.K.Elango, learned counsel for applicant, Mr.Abraham Vishal, learned counsel for first respondent and Mr.K.M.Aasim Shehzad, learned counsel for second respondent are before this Court.

2. As there is consensus amongst all the three counsel, there is no necessity to dilate on facts. Suffice to say that a former Hon'ble member of the Bench of this Court was appointed as a sole Arbitrator by this Court vide order dated 18.12.2015 in O.P.No.592 of 2015.

3. There is no dispute or contestation between the three learned counsel that the arbitral proceedings by the sole Arbitrator is underway and that there was already one extension of time by six months (Post 12+6=18 months) vide order dated 21.02.2019 made in A.No.1425 of 2019.

4. Notwithstanding the consensus amongst the three learned counsel, for the sake of stating the correct legal position, this Court deems it appropriate to make it clear that this petition is predicated on the basis that 23.02.2016 is the reckoning date for computing the timelines

statutorily prescribed in Section 29A. A perusal of the affidavit filed in support of the instant application, more particularly Paragraph 3, reveals that 23.02.2016 is the date on which Hon'ble sole Arbitrator held a preliminary meeting. This is plainly incorrect owing to the language in which Section 29A(1) is couched. Section 29A(1) as it stood prior to 30.08.2019 makes it clear that the reckoning date is the date on which the Arbitral Tribunal enters upon reference. The expression 'arbitral tribunal entered upon reference' has also been explained by way of an explanation to sub-section (1) of Section 29A and the explanation makes it clear that the date on which the arbitrator receives in writing notice of his appointment will be the reckoning date. In the instant case, the date on which the Hon'ble Arbitrator received the order dated 18.12.2015 made by this Court in O.P.No.592 of 2015 is the reckoning date. That date is not readily available with all the three learned counsel, but there is no dispute that 18 months, even if computed from that date has elapsed and six months extension also has elapsed necessitating the instant application. It is submitted that arbitration was elaborate and this reason for seeking extension is articulated in the affidavit by *inter alia* adverting to intervening collateral proceedings.

5. Having perused the affidavit filed in support of the instant application, having heard all three learned counsel and having been satisfied that there is a case for extension of time for Arbitral Tribunal to make the award, instant application is ordered extending the time upto 30.06.2020 for the Hon'ble Arbitrator to make award.

17.12.2019

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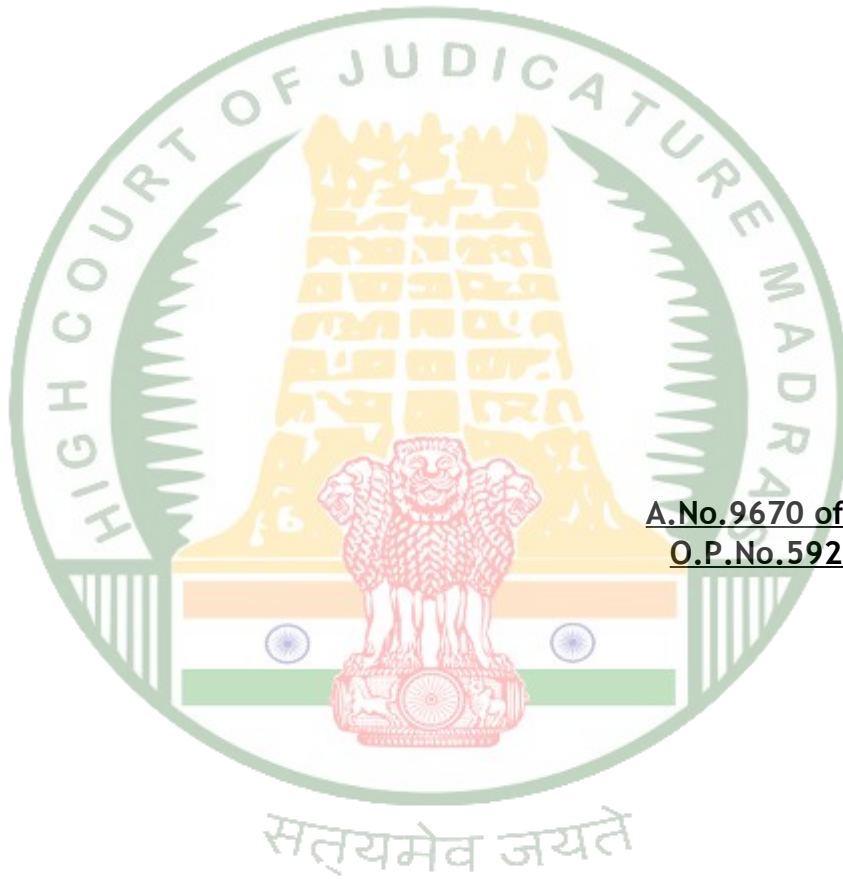


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