

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
&
THE HON'BLE SRI JUSTICE P. KESHA RAO
CIVIL REVISION PETITION No.1131 of 2019

ORDER: (Per Hon'ble Sri Justice V. Ramasubramanian)

This civil revision petition, filed by the Government of Telangana, arises out of an order passed by the Commercial Court dismissing an application filed under Section 29-A(5) of the Arbitration and Conciliation Act, 1996 (for short 'the Act') for the extension of time for the arbitral tribunal to pass an award.

2. Heard learned Government Pleader attached to the office of the Advocate General and Mr. Deepak, learned counsel for the respondent.

3. The reference to arbitration was made on 07.07.2017. The first meeting of the arbitrators was on 13.09.2017. The arbitral tribunal comprised of a sole arbitrator, who was a retired Judge of the Supreme Court. Under the amended Act, the award ought to have been passed within eighteen months. The time for passing the award expired on 06.01.2019.

4. But almost all proceeding were over and hence, the Government filed an application in COPSR.No.859 of 2019 under Section 29-A(5) of the Act for enlargement of time. Without even numbering the said petition, the Commercial Court rejected the application on the ground that the parties were not diligent. Aggrieved by the said order, the State has come up with the above revision.

5. A careful look at the turn of events would show that the proceedings were almost complete. Hearing was over on 04.03.2018. It will be a case of love's labour lost if the arbitral tribunal which had concluded the proceedings is disabled from passing an award.

This will not serve anybody's purpose. In fact, the respondent does not have very serious objection to the prayer for enlargement of time.

Therefore, the revision is allowed, the impugned order is set aside and the application for enlargement of time is also allowed. The arbitral tribunal is granted time up to 31.08.2019 to pass award. Consequently, pending miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

V. RAMASUBRAMANIAN, J

June 17, 2019
DSK

P. KESHAVA RAO, J

