

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

ARBITRATION APPLICATION No. 126 OF 2019

ORDER :

This application is filed seeking extension of period for oral arguments and pronouncement of award with respect to the disputes between the applicant and respondent herein in the arbitral proceedings before the Arbitral Tribunal comprising of Sole Arbitrator Mr.Andrew G Moran QC by a period of nine months from 10.07.2019 or such other time as considered appropriate.

Learned Counsel for the petitioner submits that on 22.08.2019, the International Court of Arbitration of the International Chamber of Commerce appointed Andrew Gerard Moran as Sole arbitrator in replacement of Benjamin Olbourne, as such, the arbitration proceedings could not be concluded. He further states that as on today pleadings are completed and the matter has to be heard and award to be passed.

While reiterating the averments in the counter affidavit, learned counsel for respondent opposes for extension of time.

In the counter, the respondent did not dispute replacement of Arbitrator. Though the issue of amendment to the arbitration clause that the arbitral proceedings should be concluded within a period of one week is pleaded, no agreement is executed between the parties to that effect, after amendment Act came into force. As such, the plea of respondent in the counter affidavit cannot be accepted.

In view of the same, this Court is of the opinion that extension of time needs to be granted.

Accordingly, the Arbitration Application is disposed of granting time for completion of arbitration proceedings till 10.01.2020 as requested by the applicant.

A.RAJASHEKER REDDY, J

03.12.2019
tk.



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