

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMM ARBITRATION PETITION (L) NO. 182 OF 2020**

Sharad J Mehta	...Petitioner
<i>Versus</i>	
Shailesh N Shah & Anr	...Respondents

**Mr Sandeep Maurya, Ms Kavita Vishwakarma, for the Petitioner.
Mr Aseem Naphade, with Sumeet Bansod, i/b L.J Lam, for the
Respondents.**

**CORAM: G.S. PATEL, J.
DATED: 13th February 2020**

PC:-

1. Mr Naphade for the Respondents, on instructions, taken during the lunch recess, states that the Respondents are withdrawing the Application/Petition presented before the learned sole Arbitrator under Section 12 of the Arbitration and Conciliation Act 1996 for termination of the arbitral mandate. The learned sole Arbitrator will pass the necessary formal directions permitting that withdrawal on the basis of this order.

2. There is some controversy about the Respondents filing the Evidence Affidavit of their witnesses. There is also an Application

pending before the learned Sole Arbitrator for precisely this purpose in the form of an application for modification. In exercise of my powers under Section 29-A of the Arbitration and Conciliation Act 1996, and as a condition to grant an extension, I take the liberty of fixing a date, i.e. 24th February 2020 by which the Respondents will file before the Arbitrator their Evidence Affidavits without fail. There will be no extension of time under any circumstances. In default, the Respondents will be deemed to have given up their right to lead evidence.

3. On this basis and subject to these terms, the Section 29-A Petition will be made absolute. The arbitration commenced on 2nd August 2018. The disputes are in respect of a partnership firm named Smith Buildcon. The present status is that the cross-examination of the Claimant's witness's first witness is about to commence.

4. Accordingly, I will extend time until 31st January 2021 to complete the arbitration.

(G. S. PATEL, J)