

jsn

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2923 OF 2021

IN

ARBITRATION PETITION NO.7 OF 2017

Bhanvarlal Chunilal Sirvi

...Petitioner

Versus

Kirti Hemchand Shah

...Respondent

WITH

INTERIM APPLICATION NO.2921 OF 2021

IN

ARBITRATION PETITION NO.5 OF 2017

Bhanvarlal Chunilal Sirvi

...Petitioner

Versus

Kirti Hemchand Shah

...Respondent

WITH

INTERIM APPLICATION NO.2922 OF 2021

IN

ARBITRATION PETITION NO.6 OF 2017

Bhanvarlal Chunilal Sirvi

...Petitioner

Versus

Kirti Hemchand Shah

...Respondent

WITH

INTERIM APPLICATION NO.2920 OF 2021

IN

ARBITRATION PETITION NO.7 OF 2017

Bhanvarlal Chunilal Sirvi

...Petitioner

Versus

Kirti Hemchand Shah

...Respondent

Mr. Prayag Joshi for the Applicant / Petitioner.

Mr. Siddheshwar Kale for Respondent.

CORAM : R.I. CHAGLA J.
DATE : 15 November, 2021

ORDER :

1. Heard learned Advocates for parties.
2. By these Interim Applications, the Applicant is seeking extension of time to enable the sole arbitrator to proceed further with arbitration reference and pass appropriate awards on merits.
3. The Interim Applications have been moved in the four Arbitration Petitions by the Applicant. By an order dated 7th October, 2019, this Court had passed an order under Section 29A of the Arbitration and Conciliation Act, 1996 and had extended the time to complete the reference and pass an award by a period of six months from the date of the said order. This period had expired on 7th April, 2020. The Applicant has in the Interim Applications stated that for completing the cross examination of all the witnesses, the learned sole arbitrator has fixed the dates which were during the lock down in the city of Mumbai due to Covid 19 and hence the arbitration could not proceed on the said dates. In view thereof, the present Interim

Applications have been filed.

4. The learned Advocate for the Applicant has relied upon the order of this Court dated 27th September, 2021 by which this Court had relied upon the order dated 21st September, 2021 passed by the Supreme Court by which the period from 15th March, 2020 to 2nd October, 2021 had been excluded in computing the period prescribed under Section 29A of the Act. He has submitted that by the said order the mandate of the arbitral tribunal was extended by a period of one year from the date of the said order. He has submitted that similar order be passed in the present proceedings.

5. The learned Advocate for the Respondent does not oppose the Interim Applications.

6. In view thereof, in respect of the pending arbitral proceedings, the Petitioner would be entitled to the benefit of the order dated 23rd September, 2021 passed by the Supreme Court for excluding of the period of 15th March, 2020 to 2nd October, 2021 in computing the period under Section 29A of the Act. In the present case the mandate of the arbitral tribunal which had been extended by order dated 7th October, 2019 had

come to an end on 7th April, 2020. I am further satisfied with the averments in the Interim Applications that due to the lock down in the city of Mumbai by virtue of the Covid 19 pandemic, the present Interim Applications could not be filed in time. Hence the following order:-

(i) The mandate of the arbitral tribunal is extended by consent of parties.

(ii) The time to complete arbitration references and pass awards on merits in the Arbitration references is extended by period of one year from the date of this order.

(iii) All contentions of the parties on the merits of the arbitral proceedings are respectively kept open.

(iv) The Interim Applications taken out in the disposed of Arbitration Petitions are disposed of in the above terms.

(v) No costs.

[R.I. CHAGLA J.]