

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**MISC. CIVIL APPLICATION (ARBN) NO.95/2021**

Vipin s/o Madanlal Chouhan,  
aged about 51 years, Occ. Business,  
r/o Deorankar Nagar, Amravati,  
Tq. Dist. Amravati.

**....APPLICANT**

**...V E R S U S...**

Amravati Municipal Corporation,  
through its Commissioner, having  
office at Rajkamal Chowk, Amravati,  
Tq. Dist. Amravati.

**...NON APPLICANT**

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Mr. R. S. Kalangiware, Advocate for applicant.  
Mr. J. B. Kasat, Advocate for non applicant.  
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**CORAM:- V. M. DESHPANDE, J.**  
**DATED :- 10.02.2021.**

**ORAL JUDGMENT**

1. Rule. Rule is made returnable forthwith. Heard finally  
by consent of learned counsel for the parties.

2. This is an application under Section 29 (A) (4) and (5)  
of the Arbitration and Conciliation Act, 1996. In view of the order  
orders, Mr. S. W. Dhanokar, retired District Judge was appointed  
as an Arbitrator for adjudication of the dispute between applicant  
and non applicant. Name of the Arbitrator was agreed mutually.

Mr. Dhanokar also extended his consent to act as Arbitrator on 29.01.2019.

3. In paragraph 7 of this application, various dates of sittings of arbitral tribunal, filing of written statement, etc. are given. In paragraph 8, it is stated that the draft issues were filed on 29.09.2019 by applicants. No draft issues were filed by the non applicant. The matter was adjourned for filing of draft issues by the non applicants from 18.08.2019 till 10.11.2019. In spite of giving chances, the draft issues were not filed by the non applicant. Therefore, the arbitral tribunal framed issues and the matter was posted for evidence on 24.11.2019. The applicant filed notice to admit documents, which was replied by the non applicant on 01.12.2019. On the very same day i.e. on 01.12.2019, the applicant filed his evidence by way of affidavit. Thereafter, the matter was placed on 10.12.2019 for examination of applicant. However, on the said day, nobody appeared on behalf of the non applicant. In paragraph 9 of this application, the applicant has given various dates as to why the matter was adjourned from time to time and more precisely on the requests were made by counsel for the non applicant for cross-examination.

4. Be that as it may, there was outbreak of pandemic. The applicant submitted that time limit has expired on 28.07.2020. Therefore, the applicant has filed the present application.

5. Mr. Kasat, learned counsel for non applicant, on instructions from non applicant, submits that non applicant has no objection for extension of time. Counsel for the applicant submits that time may be extended by further six months.

6. In view of above, the application is allowed. Time to decide Arbitration Proceeding pending before Mr. S. W. Dhanokar, retired District Judge, is extended by further six months from the date of receipt of this order.

Rule accordingly. No order as to costs.

**JUDGE**

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