

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
MISC. CIVIL APPLICATION (ARBN) NO. 154 OF 2021

M/s Sell Ads, a registered partnership
Firm, having its office at 123,
Bhagwaghar Layout, Behind Traffic
Park, Dharampeth, Nagpur-440010,
through its Partner Shri Shailen s/o
Shashikant Mehta.

...APPLICANT

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

Municipal Corporation of City of
Amravati, Amravati, through its
LawOfficer, Shri Shrikantsingh
s/o Ishwarsingh Chauhan.

...NON-APPLICANT

Shri C.S. Dharmadhikari, Advocate for applicant.
Shri J.B. Kasat, Advocate for non-applicant.

CORAM:- V. M. DESHPANDE, J.
DATED :- 3rd MARCH, 2021.

ORAL JUDGMENT

This is an application under Section 29A(5) of the Arbitration and Conciliation Act, 1996 seeking further extension of time of two months for making an arbitral award.

(2) Though this application is coming for the first time before the Court Shri J.B. Kasat, learned counsel submits that he has instructions from non-applicant to appear in this matter and he waives notice on its behalf.

(3) Looking to the submissions made before this Court, I am of the view, that today itself the application can be disposed of.

Rule. Rule is made returnable forthwith. Heard finally by consent of the parties.

(4) The applicant is a registered partnership firm. In response to the tender floated by the non-applicant, the applicant applied and after following tender process, the applicant and non-applicant/Corporation entered into an agreement.

(5) A dispute arose in between the parties. In view of the fact that mechanism of arbitration was available in the agreement, a notice to non-applicant was given by the applicant for appointment of an Arbitrator. In response to the said notice, the non-applicant/Corporation suggested the name of former Judge of this Court, Justice A.P. Deshpande as an Arbitrator. After appointment, arbitral proceedings were commenced before the Arbitrator. Twelve months period for making an award expired on 06.03.2019 therefore both parties consented for extension of time and accordingly time was extended. It appears that 2 to 3 times the time was extended and ultimately on 27.10.2020, this Court allowed Miscellaneous Civil Application (ARBN) (stamp) No.10461 of 2020 for extension of time and three months' time was granted. Pursuant to the extension, final arguments on the part of both parties took place on various dates and ultimately arguments were concluded on 26.12.2020. The extended time of three was expired on 27.02.2021 however an award is yet to be declared by the Arbitrator. In that view, the present application is moved by the applicant.

(6) Shri J.B. Kasat, learned counsel for the non-applicant/Corporation submits that he has instructions to make a statement that the Corporation has no objection for extension of time to deliver award.

(7) There is no dispute before this Court that arguments from both side are already over and the Arbitrator has already heard both side in extenso and the matter is pending for only delivering an award. In that view of the matter, that is a fit case wherein the Court should invoke the jurisdiction under Section 29A(5) of the Act. That leads me to pass following order:

ORDER

- i) The application is allowed.
- ii) Time to decide the arbitration proceedings is extended by further three months from 27.01.2021 and award should be passed within extended period.

Rule is made absolute in above terms. No order as to costs.

JUDGE

Wagh