

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 24TH DAY OF FEBRUARY 2021

THE HON'BLE MR. JUSTICE P.RAJAMANICKAM

A. No.3017 of 2020

in

O.P.No.872 of 2018

In the matter of Arbitration
of Construction Act, 1996

And

In the matter of Arbitration
agreement of
No.9SE/PVBC/MDU/2007, 2008
dated 11/01/2008 & Supplemental
agreement

11SE/PVBC/MDU/2013-2014

DATED 23/09/2013

2SE/PVBC/MDU/2016-2017

DATED 03.03.2017.

Mrs.Sri Meenakshi Sundareswarar Construction,
Rep by Managing Partner, M.Brammanayagam,
No:C 18/5, Housing Board Colony,
Vaigai Nagar, Arappalayam,
Madurai - 16.

: Applicant/Petitioner

Vs.

The Superintending Engineer,
PWRO., PWD, Periyar Vaigai Basin Circle,
Madurai - 625001.

: Respondent/Respondent

Application praying that this Hon'ble Court be pleased to extend the term of the arbitration proceedings between the applicant and Respondent before the Arbitral Tribunal comprising of the sole Arbitrator namely Retired Justice Mr.Akbar Ali by a period of twelve months from 07.09.2020.

This Application coming on this day before this court for hearing the court made the following order:

This application has been filed under Order XIV Rule 8 of Original Side Rules read with Section 29-A (4) of the Arbitration and Conciliation Act, 1996 to extend the term of the arbitration proceedings between the applicant and respondent before the Arbitral Tribunal comprising of the Sole Arbitrator namely Hon'ble Mr. Justice G.M.Akbar Ali by a period of twelve months from 07.09.2020.

2. The learned counsel for the applicant has submitted that this Court by the order dated 23.01.2019 in OP.No.872 of 2018 had appointed the sole arbitrator Hon'ble Mr.Justice G.M.Akbar Ali to arbitrate the issues between the applicant and the respondent and pass an award as expeditiously as possible within a period of six months from the date of receipt of copy of the said order. He further submitted that due to Covid-19 Pandemic,

completed within the time stipulated by this court and therefore he prayed to extend the time.

3. Per contra, the learned counsel for the respondent has submitted that in view of the order passed by the Hon'ble Supreme Court in ***Suo motu*** writ petition(Civil) in C.No.3 of 2020 dated 10.07.2020, limitation has been extended until further orders and hence, this application is an unnecessary one and therefore, he prayed to dismiss this application.

4. A perusal of the order passed by the Hon'ble Supreme Court in ***Suo motu*** Writ Petition (Civil) in C.No.3 of 2020 dated 10.07.2020 shows that the Hon'ble Supreme Court has extended the limitation under the Arbitration and Conciliation Act, 1966 especially under Section 29-A of said Act with effect from 15.03.2020 until further orders. In view of the said order, this application is an unnecessary one and hence, this application is dismissed.

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Sd/.P.R.M.J.
24.02.2021

//Certified to be a true copy//

Dated this the th day of 2021.

su.02.03.2021

COURT OFFICER(O.S.)