

Vidya Amin

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

ARBITRATION APPLICATION NO. 201 OF 2021

Vinod Kumar Deora .. Applicant
Vs.
Satish Chaudhary .. Respondent

Mr. Devendra Tiwari i/b. Law Chamber of Siddharth Murarka for the applicant.

Ms. Anokhi Arora i/b. Udayan S. Jain for respondent nos.1(A) and 1(B),

**CORAM : G.S. KULKARNI, J.
DATE : AUGUST 23, 2022.**

P.C.:

1. At the outset, it would be necessary to consider the provisions of Section 26 of the Arbitration and Conciliation (Amendment) Act, 2015, which reads thus:

“26. Act not to apply to pending arbitral proceedings

Nothing contained in this Act shall apply to the arbitral proceedings commenced, in accordance with the provisions of Section 21 of the principal Act, before the commencement of this Act unless the parties otherwise agree but this Act shall apply in relation to arbitral proceedings commenced on or after the date of commencement of this Act.”

2. As the commencement of the arbitral proceedings was much prior to the 2015 amendment by virtue of Section 29A of the Arbitration and Conciliation Act, 1996 was inserted, a prayer for extension of mandate of the arbitral tribunal would not be maintainable, more particularly, considering the mandate of Section 26 of the Arbitration and Conciliation (Amendment) Act, 2015 (supra).

3. In any event, it is stated by learned counsel for the applicant that the final arguments of the arbitral proceedings were concluded in the year 2012 and it is after 8 years, i.e., in the year 2020, the applicant requested the arbitral tribunal to publish an award. In between, it is stated that there were settlement talks between the parties.

4. Be that as it may, it is for the applicant and/or the respondent to take appropriate steps in the aforesaid situation. All the contentions of the parties are expressly kept open.

5. The application is disposed of as not maintainable.

[G.S. KULKARNI, J.]