

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.289 OF 2022

Shailesh Nihala Singh & Anr.

...Petitioners

Vs.

Rajeev Dube & Ors.

...Respondents

Ms.Urvi Vaidya i/b. Auris Legal, for the Petitioners.

Mr.Phiroze Merchant i/b. Kanga & Co., for Respondent Nos.1 to 6.

Ms.Sayali Gharpure i/b. S. Mahomedbhai & Co., for Respondent Nos.7 and 8.

CORAM : G.S. KULKARNI, J.

DATE : 13 June 2022.

PC.:

1. Heard learned counsel for the petitioner and learned counsel for appearing for the respondents.

2. This is a Petition filed under section 29-A of the Arbitration and Conciliation Act, 1996 (for short “**the Act**”) whereby the petitioners have prayed for extension of the mandate of the arbitral tribunal to conclude the arbitral proceedings and publish an award. It is jointly stated by the learned counsel for the parties that the arbitral proceedings are at the fag end. Last witness of the claimant is being examined and the parties would now proceed for final arguments for an award to be published by the arbitral tribunal. It is submitted that the mandate of the arbitral tribunal had expired on 11 March 2020. It is submitted that considering the orders passed by the Supreme Court in the proceedings of Suo-Motu Writ Petition (Civil) No. 3/2020 in case of **Re: Cognizance for Extension of Limitation**¹ as also the orders passed by this Court considering the orders passed by the Supreme Court in case of **Mehmood Raza Khan Vs.**

1 (2020) 19 SCC 10

Larsen & Toubro Ltd.², it would be just and proper that the mandate of the arbitral tribunal is extended.

3. In my opinion, considering such orders passed by the Supreme Court as also the view taken by this Court in **Mehmood Raza Khan** (supra), the mandate of the arbitral tribunal is required to be extended finally for a further period of nine months from today, (which shall also include the period from 11 March 2020).

4. The parties shall make an endeavour to conclude the proceedings in the extended period so that there shall not be any need for further extension. The learned Arbitrator shall also consider expeditious disposal of the proceedings. All contentions of the parties are expressly kept open.

5. The Petition is disposed of in the above terms. No costs.

[G.S. KULKARNI, J.]

² Order dt.27/09/2021 (Arbitration Petition no.132 of 2021 & batch of petitions)