

Prajakta Vartak

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

COMMERCIAL ARBITRATION PETITION NO.730 OF 2021

Mahesh Banwarilal Gupta	..Petitioner
Vs.	
Ashok Banwarilal Gupta & Anr.	..Respondents

Ms. Deepali Bagla i/b. Bagla & Associates for Petitioner.
Mr. Ashok Gupta, Respondent No.1 in person present.

**CORAM : G.S. KULKARNI, J.
DATE : FEBRUARY 25, 2022.**

P.C.:

1. This is a petition filed under Section 29A of the Arbitration and Conciliation Act, 1996 (for short, “the Act”) whereby a prayer is made for extension of mandate of the arbitral tribunal upto 31 March, 2022 which is just about a month, to enable the arbitral tribunal to complete the arbitral proceedings and publish an award. It is submitted that the the final arguments of both the parties before the arbitral tribunal are over and written submissions are now to be presented by the parties and the arbitral tribunal thereafter shall proceed to publish an award.
2. Respondent no.1 has appeared in person. He has tendered a reply affidavit. His contention is that the petition ought not to be registered as Commercial Arbitration Petition. His second contention is that the petition ought not to be heard on lodging number and it should have been registered.

3. In so far as the first contention is concerned, objections have been removed and the petition is already numbered.

4. Be that as it may, it appears to be quite clear that the parties are before the arbitral tribunal and the arbitral proceedings are at the fag end of its conclusion and after written submission are filed by the parties, the arbitral tribunal would proceed to publish an award. Considering the nature of the proceedings, in my opinion, the objections as raised on behalf of the respondent ought not to detain this Court to proceed to pass an order to extend the mandate of the arbitral tribunal, as the same would serve the ends of justice, in so far as the parties are concerned.

5. In so far as the issue of fees etc. of the arbitral tribunal is concerned, there is no need for this Court to delve on these issues as it is for the arbitral tribunal to make appropriate directions in that regard. Accordingly, the petition is disposed of by the following order:-

ORDER

- i. The mandate of the arbitral tribunal to publish an award is extended upto 30 June, 2022.
- ii. All contentions of the parties are expressly kept open, including the contention in regard to the fees, etc.
- iii. Disposed of. No costs.

[G.S. KULKARNI, J.]