



A.No.837 of 2022

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M.SUNDAR, J

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 10.03.2022, which reads as follows:

'Mr.P.S.Amalaraj S.Penikilapatti, learned counsel for applicant, who is before this Court submits that this is an innocuous application under Section 29A(4) of The Arbitration and Conciliation Act, 1996 (Act No.26 of 1996). Mr.P.T.Ramkumar, learned standing counsel for Southern Railway accepts notice on behalf of respondents 1 to 4.

2. *Registry to show the name of learned standing counsel for Southern Railway in the next listing.*

3. *List on Monday i.e., on 14.03.2022.'*

2. Today Mr.P.S.Amala Raj S.Penikilapatti, learned counsel for sole applicant and Mr.P.T.Ramkumar, learned standing counsel for Southern Railway on behalf of respondents 1 to 4 are before this Court. To be noted, fifth respondent is the Hon'ble sole Arbitrator who constitutes the Arbitral Tribunal. A chronicle placed before this Court by learned counsel for applicant can be usefully extracted and reproduced. The chronicle is as follows:



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S.No	DATE	EVENTS
1	30.01.2019	<i>This Hon'ble High Court, vide its final order in O.P.No.885 of 2018, was pleased to appoint the fifth respondent as the Sole Arbitrator.</i>
2	02.04.2019	<i>The Arbitrator conducted the 1st sitting, declared that he has no interest and fixed the schedule for the completion of the pleadings, exhibits, etc.,</i>
3	26.11.2019	<i>Arbitrator conducted the 2nd sitting, framed issues, etc.,</i>
4	28.01.2020	<i>The Arbitrator conducted the 3rd sitting.</i>
5	11.03.2020	<i>The Arbitrator conducted the 4th sitting. The following was recorded in the minutes of the 4th sitting:</i> <i>"---Both the counsel in the presence of the parties submitted that since the one year period contemplated under the Act expires on 17.03.2020, they give consent for extension of this Tribunal by six months from 17.03.2020."</i>

3. Learned standing counsel for Southern Railway very fairly submits that he has no objection or opposition to the prayer of enlargement of time qua arbitral proceedings. Therefore it is not necessary to dilate much on facts/circumstances and suffice to say that learned counsel on both sides submit that the extension/enlargement of time prayer has become necessary for reasons beyond the control of both sides/all concerned.

4. In the light of the narrative thus far, captioned application is ordered as prayed for i.e., time for completion of arbitral proceedings qua OP.No.885 of 2018 pertaining to an Arbitral Tribunal constituted by a sole Arbitrator (respondent no.5) is extended by five(5) months from today i.e., up to 12.08.2022.



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Captioned application ordered as prayed for. There shall be no order as

to costs.

15.03.2022

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