



Application No.2374 of 2022
in
O.P.No.80 of 2021

M.SUNDAR.,J.

Mr.S.V.Subramanian, learned counsel for applicant, Mr.P.Wilson Topaz learned counsel of M/s.A.S.Kailasam and Associates (Law Firm) on behalf of respondents 1 and 2, Mr.Sukumar, learned counsel for fifth respondent and Mr.N.A.Ravindran, learned counsel for third and seventh respondents are before this Court.

2. Mr.S.V.Subramanian, learned counsel for applicant, who is before this Court, submits that considering the nature of the prayer and considering the fact that there is no conflict of interest with respondents 5 to 7, which has already been recorded by Hon'ble AT, it would be appropriate for him to submit that respondents 5 to 7 are also not opposing this application.

3. To be noted, learned counsel for third respondent as well as counsel for respondents 1, 2 have submitted that they are not opposing this application and on the contrary, they are joining the applicant in making the common plea.



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To be noted, in and by an order dated 26.08.2021 in O.P.No.80 of 2021, a Hon'ble former Judge of this Court was appointed as Arbitrator who constituted the 'Arbitral Tribunal' ['AT' for the sake of brevity]. This Court is informed that parties have resorted to Fast Track Arbitration under Section 29B of 'the Arbitration and Conciliation Act, 1996 (Act No.26 of 1996)', which shall hereinafter be referred to as 'A and C Act' for the sake of convenience and clarity. This Court is also informed by all the counsel in one voice that six months time frame under Section 29B of A and C Act elapsed some time in April 2022 and that necessitated the presentation of captioned application in this Court *inter alia* under Section 29A(4) of A and C Act seeking extension of time for AT to make the award. It is submitted by all the learned counsel that the award could not be made within six months time frame owing to reasons beyond the control of all concerned. This common submission is record. The last of the proceedings made by Hon'ble AT being proceedings dated 12.04.2022 has also been placed before this Court and the same reads as follows:



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BEFORE THE ARBITRAL TRIBUNAL
HON'BLE MR. JUSTICE N. KIRUBAKARAN
Former Judge, Madras High Court
SOLE ARBITRATOR
In
O.P No. 80 of 2021
Arbitration case No. 3 of 2021

V. Subburam
S/o Venkidasamy Gounder
Ward-13, D.No.221, 6th Street
Dhanalakshmi Nagar
Melasokkanathapuram
Bodinayakkanur Taluk
Theni District

..... Claimant

Vs

1. Mr. T. Janakiram
2. Mr. T. Prabakaran
3. Mr. T. Manivannan
4. Mr. S. V. Subbaraja (Deceased)
5. Mr. S. V. Subramani
6. Mr. S. Rajesh
7. Ms. S. Uma Devi

Brought on record as per order dated 28.10.2021
passed in MP.No.1 of 2021.

..... Respondents

MINUTES OF THE NINTH SITTING HELD AT 2.30 P.M. ON 12.04.2022
AT MADRAS HIGH COURT ARBITRATION CENTRE

PRESENT:

On behalf of Claimant & for R6:

Mr. S. V. Subramanian, Advocate (M) – 9444015274,
Mr. R. Muruganantham, Advocate
E-mail - gvsbmanian_adv@yahoo.com

On behalf of the Respondents:

M/s. A.S.Kaijaram & Associates, for R1 & R2
Represented by Mr. P. Wilson, Advocates
Mobile No: 9789886042

Mr. N.A. Ravindran, Advocate for R3 & R7



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(M) - 9840600030, E-mail - jayidr30.00.00@gmail.com
Mr. Aiyalu Ravi, Advocate

Mr. S. Sukumar, Advocate, for 5th Respondent
(M) - 9840114696
E-mail - lawycersugi9840@gmail.com

The learned counsel for the 6th respondent filed counter affidavit to the claim petition.

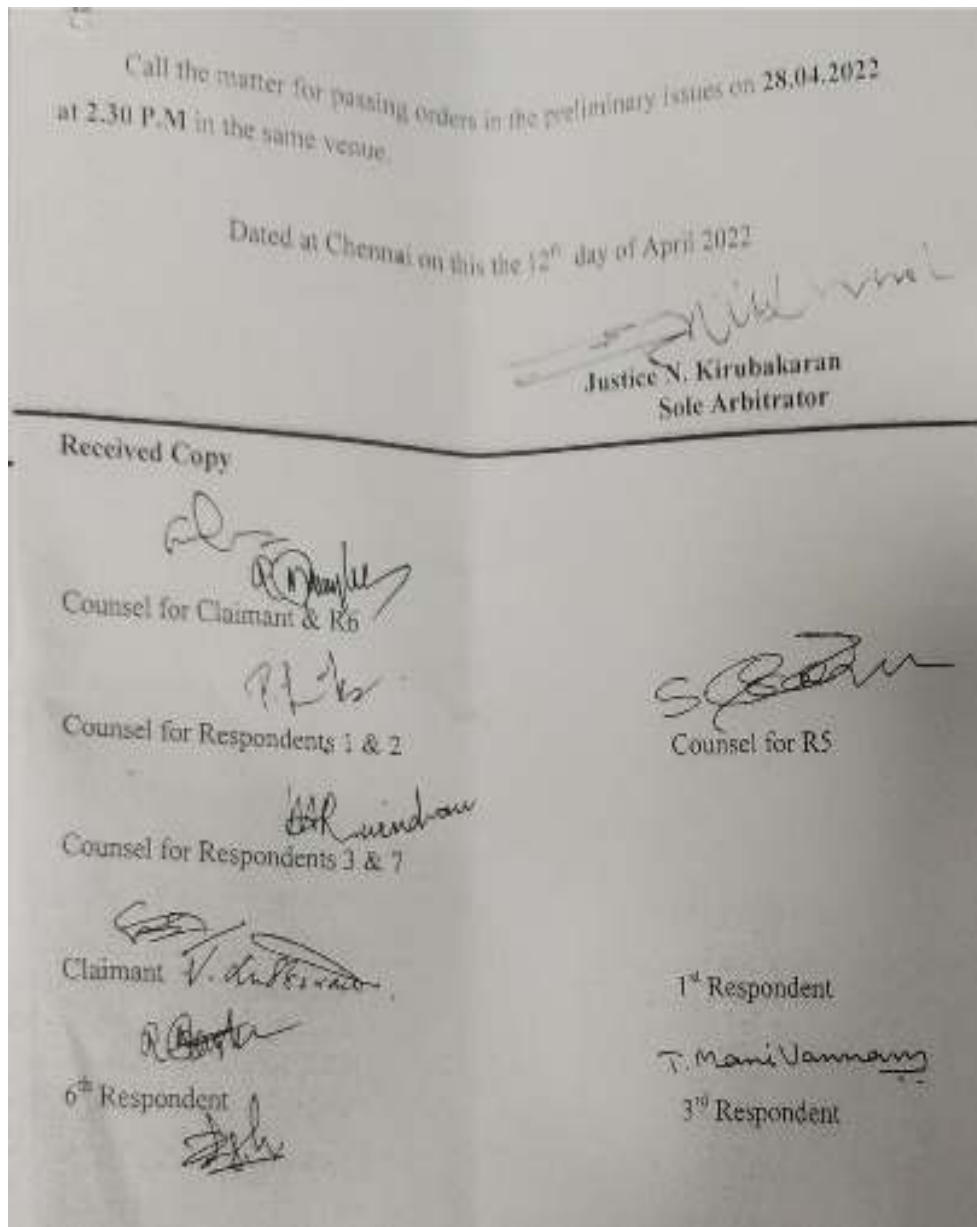
As per the earlier proceedings dated 22.03.2022, the matter has been posted today to decide about the preliminary issues raised by the respondent except R6. The preliminary issues raised by the respondents is regarding the maintainability the claim petition as raised in Para 6 of the reply statement filed by the first respondent. The first respondent questioned the existence of arbitration agreement between the parties in the partnership agreement dated 30.04.1980. A counter affidavit filed by the claimant stating that there is an arbitration agreement through partnership agreement dated 30.04.1980.

The counsel for the parties argued the preliminary issues of jurisdiction at length relying upon various judgements. Post the matter for orders 28.04.2022 at 2.30 P.M.

It is represented by Mr. S.V. Subramanian, that an application has been already taken out seeking extension of time of the arbitral proceedings before the Hon'ble High Court and orders would be obtained meanwhile.



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4. It is not necessary to dilate any further on the matter owing to the consensus between all the parties before this Court and the innocuous nature of the prayer.



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M.SUNDAR.J.,

gpa

5. The time frame for Hon'ble AT for making the award is extended by six months from today i.e., upto 28.12.2022.

Captioned application ordered on above terms. There shall be no order as to costs.

28.06.2022

gpa

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