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Appln. No. 3990 of 2022

in

O.P.No.249 of 2013

SENTHILKUMAR RAMAMOORTHY, J

By this application, the applicant seeks extension of the mandate of the arbitral tribunal. Learned counsel for the applicant states that the arbitral proceedings are at the stage of cross-examination of RW1.

2. The application is opposed by the respondent on more than one ground. The first ground of objection is that arbitral proceedings commenced in the year 2016 and have not concluded for about six years. The second ground is that an extension of time was previously obtained under order dated 20.02.2020 in A.No.753 of 2020. Since time was extended thereunder until 30.06.2020, learned counsel for the respondent states that the mandate of the arbitral tribunal expired on 30.06.2020.



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3. These contentions are countered by learned counsel for the applicant by relying upon the order passed by the Hon'ble Supreme Court in *suo motu* proceedings pertaining to extension of limitation periods in the wake of the COVID 19 pandemic. By relying on the said order, it is stated that the entire period running from 15.03.2020 to 28.02.2022 is liable to be excluded while computing the limitation period under Section 29 A. Therefore, it is stated that the present application is liable to be allowed since it was made for *bona fide* reasons.

4. On looking at the list of dates and events, it cannot be denied that arbitral proceedings have continued for more than six years. Without doubt, the onset of the COVID 19 pandemic impeded expeditious conduct of such proceedings. Even so, the failure to conclude proceedings is not adequately explained.

5. Nonetheless, it should be noticed that the proceedings are at the stage of cross-examination of RW1. Therefore, substantial prejudice would be caused to the applicant unless the mandate of the arbitral tribunal is



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extended. By taking the same into account, this application is allowed by extending the mandate of the arbitral tribunal by a period of six months from the date of receipt of a copy of this order. Both parties are directed to extend full co-operation in ensuring that proceedings are concluded within the extended time limit.

22.11.2022

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