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A.No.2323 of 2022 in
Arb.O.P.No.175 of 2021

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M.SUNDAR.,J

The prayer in captioned application is innocuous and this is a consent order. Therefore, it is not necessary to dilate much on facts. Suffice to say that a sole Arbitrator, who is a former Hon'ble Judge of this Court i.e., an 'Arbitral Tribunal' ['AT' for the sake of brevity], has entered upon reference and is adjudicating qua arbitrable disputes that have arisen between the applicant and respondent in the application on hand. To be noted, this Court is informed that the applicant and respondent in the captioned application are claimant and respondent respectively before AT.

2. Adverting to the support affidavit qua captioned application, learned counsel on both sides submit that the 'date of completion of pleadings' before AT within the meaning of Section 29A(1) read with Section 23(4) of A and C Act is 21.10.2021. Therefore, the clock/calendar vide sub-section (1) of Section 29A of A and C Act started ticking from this date and 'within 12 months from this date' would mean time frame upto 20.10.2022 but the period from 15.03.2020 to 28.02.2022 has to be excluded in the case on hand by



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applying of orders of Hon'ble Supreme Court in ***COGNIZANCE FOR EXTENSION OF LIMITATION, IN RE*** reported in ***(2022) 3 SCC 117***, more particularly Paragraph 5.4 thereat which reads as follows:

'5.4. It is further clarified that the period from 15-3-2020 till 28-2-2022 shall also stand excluded in computing the periods prescribed under Section 23(4) and 29-A of the Arbitration and Conciliation Act, 1996, Section 12-A of the Commercial Courts Act, 2015 and provisos (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period (s) of limitation for instituting proceedings, outer limits (within which the court or tribunal can condone delay) and termination of proceedings.'

3. Therefore, I am inclined to agree with learned counsel on both sides that the reckoning date for 12 months period is 28.02.2022 and this would mean that AT has time till 27.02.2023 to make an award. Learned counsel on both sides submit that only arguments remain (subject of course to any other tributary which may arise all of which within the domain of the Hon'ble AT) and therefore, captioned application is ordered by extending time upto 27.02.2023 for Hon'ble AT for making the award in Arb.No.1 of 2021 between the parties in the captioned application.



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4. Before concluding, the submission on both sides that the captioned application has been filed only as a matter of abundant caution though extension of time is by operation of orders of Hon'ble Supreme Court is also recorded.

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

23.06.2022

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