



A.No.4353 of 2022

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WEB CO **SENTHILKUMAR RAMAMOORTHY, J.**

This application is presented to extend the mandate of the arbitral tribunal. Learned counsel for the applicant states that the arbitral proceedings are at the stage of cross examination of CW-2. In the affidavit filed in support of the application, the applicant refers to the lock down in the wave of the COVID pandemic situation as the reason for the delay in prosecution of the arbitral proceedings.

2.Learned counsel for the respondent opposes the request for extension. By placing before the Court the order dated 26.08.2021, in the previous application filed by the applicant under Section 29A, it is pointed out that the Court recorded that the mandate would not be extended further, if the applicant fails to produce witnesses and conclude the proceedings within the six month period specified therein. Learned counsel also draws my attention to the minutes of the meetings held on 22.01.2021, 26.02.2022 and 14.03.2022 by the arbitral tribunal. With reference thereto, it is contended that the petitioner failed to take necessary steps to proceed with



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the examination of witnesses and that this caused delay in conclusion of proceedings. Consequently, it is submitted by learned counsel for the respondent that the mandate should not be extended. On a demurrer, it is submitted that interest should not be awarded for the period of delay by the applicant and costs should be awarded.

3.The arbitral proceedings are at the stage of cross examination of CW-2. The derailment of proceedings at this juncture would cause considerable prejudice to the applicant, which is the claimant before the arbitral tribunal. At the same time, it should be recognised that at least a part of the delay is wholly attributable to the applicant. Although learned counsel for the respondent made a request that the order should contain observations with regard to interest and cost, it is not appropriate to record such findings in a Section 29A application because the court is undertaking a limited exercise and is not seized of all the relevant facts and circumstances. It is needless to say that it is open to the respondent to canvass this issue before the arbitral tribunal and for the arbitral tribunal to take a decision in respect thereof.



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4.By taking into account the current stage of the arbitral proceedings, the time for conclusion of arbitral proceedings by pronouncing an award in respect thereof is extended by a period of *six months* from the date of receipt of a copy of this order and this application is ordered accordingly.

12.10.2022

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