



Appln. No.4417 of 2022

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SENTHILKUMAR RAMAMOORTHY J.

The claimant before the arbitral tribunal has presented this application for extension of mandate of the arbitral tribunal.

2. In the affidavit in support of the application, it is stated that the arbitral proceedings could not be concluded within the time stipulated under the Arbitration and Conciliation Act 1996 on account of the requirement to reconcile accounts and the COVID-19 pandemic. Learned counsel for the applicant states that pleadings are complete and that the next stage is to record evidence.

3. Learned counsel for the respondents opposes the request for extension largely on the ground that a direction issued at the hearing on 10.02.2021 and reiterated subsequently was not complied with by the applicant. The said direction, in relevant part, is as under:

“9. ... Considering the necessity of the partnership firm in complying with the statutory obligations, this Tribunal makes it clear that the Claimant shall sign the



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cheques and papers only relating to PF and ESI and the same has to be done in the presence of the learned counsel for the Claimant, Mr.P.C.Harikumar. It is made clear that if there is any dispute relating to the obligation of the firm in payment of such statutory dues and regarding the arrears, particularly relating to the number of employees working, etc., the same will be decided at the time of passing of Award. With the above observation, I.A.No.6 of 2021 stands closed.”

Learned counsel agrees to extension on condition that the above direction be complied with.

4. Learned counsel for the applicant counters this submission by stating that relevant records relating to PF and ESI liability were not provided by the respondents and, therefore, the direction was not complied with. Subject to production of such documents, the direction would be complied with. On the contrary, learned counsel for the respondents states that all necessary documents were provided.



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5. In effect, the applicant agrees to comply with the directions subject to receipt of necessary documents and this statement is recorded. The minutes of proceedings dated 10.02.2021 provide for the resolution of disputes relating to the PF and ESI issue in course of final disposal. Since the arbitral tribunal is in seisin of the dispute, it is not appropriate to issue directions on this issue at this juncture. The parties may canvass grievances, in this regard, before the arbitral tribunal.

6. In the above circumstances, it is just and necessary to extend the mandate. By taking into account the current stage of the arbitral proceedings and subject to the observations set out above, this application is allowed and the mandate of the arbitral tribunal is extended by a period of nine months from the date of receipt of a copy of this order.

02.11.2022

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