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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**ARB No.325 of 2018 (O&M)
Date of Decision: 14.10.2022**

M/S HARI MUKESH SECURITY

.....Petitioner

Vs

**NATIONAL INSTITUTE OF TECHNOLOGY KURUKSHETRA
AND ANR**

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Robin Singh Hooda, Advocate
for the petitioner.

Mr. A.S. Virk, Advocate
for the respondents.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has preferred this petition under Section 29-A(4) of the Arbitration and Conciliation Act, 1996 for extension of time of Arbitrator for two months with a further direction to the Arbitrator to pass the award within the said period.

[2]. Evidently, the present petition was filed on 13.10.2017. Notice of motion was issued on 11.01.2019. Respondent No.2 was appointed as an Arbitrator. Petitioner was allotted job work i.e. of contract for providing the security service at the campus of respondent No.1 which is National Institute of Technology

headed by the Director in Kurukshetra.

[3]. After the appointment of Arbitrator, the Arbitrator had already entered into the reference and had also proceeded with the arbitration proceedings to some extent. Perusal of the record would show that both the parties had completed the evidence. The Arbitrator was appointed on 04.11.2015. Section 29-A of the Arbitration and Conciliation Act was added vide Act No.3 of 2016 w.e.f. 23.10.2016. In view of this amendment, the time limit for passing the award was 12 months within which the award was to be passed from the date of entering upon the reference by the Arbitrator.

[4]. After expiry of the period, no specific consent for extension of time was made as required under Sub-Section 3 of the aforesaid provision, but the parties kept on participating in the arbitral proceedings under the *bona fide* expression that the time was extended by six months by necessary implication. Even thereafter, a period of one year and six months had expired even as per counting of period with effect from first date of reference i.e. 19.03.2016. In view of provisions under Section 29-A(4) of the Act, the mandate of the Arbitrator had already been terminated in the absence of any extension.

[5]. In the present case, both the parties have shown their consensus for extension of time. On 29.09.2022, the case was

adjourned in order to enable the parties to inform the Court whether the Arbitrator has terminated the proceedings or he is still keeping the proceedings intact.

[6]. In compliance of the aforesaid, learned counsel for the parties are *ad idem* that the Arbitrator has not terminated the arbitral proceedings so far, however the respondent No.2 has left the job in Lal Bahadur Shastri Rashtriya Sanskrit Vidyapeetha and now has joined other Institute in the State of Orissa. However on being contacted telephonically, he is still willing to proceed further with the arbitration proceedings.

[7]. In the light of consensus arrived at between the parties and also in the interest of justice, I deem it appropriate to extend the period of the arbitration proceedings for two months with a request to the Arbitrator to conclude the proceedings within the period of two months from the date of receipt of certified copy of this order.

[8]. Petition stands disposed of accordingly.

October 14, 2022

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No