

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 406 OF 2023
IN
ARBITRATION PETITION NO. 45 OF 2018**

Sahyadri Sahakari Sakhar Karkhana Ltd. ... Applicant/Orig. Petitioner
vs.

Thyssen Krupp Industries India Private Ltd. ... Respondent

Mr. Mihir Govilkar a/w. Shaba Khan for applicant/petitioner.

Mr. Pranav Monani, i/by. Kanga & Co. for respondent.

**CORAM : MANISH PITALE, J
DATE : 20th JANUARY, 2023**

P.C. :

. By this petition, the petitioner i.e. the original claimant, has invoked Section 29A (4) & (5) of the Arbitration and Conciliation Act, 1996, for extension of mandate of the arbitrator. The arbitration proceeding, in the present case, was undertaken in the year 2018 and mid-way through the proceeding, the parties decided to explore the possibility of settlement. It appears that efforts for settlement did not bear fruit, as a consequence of which, the matter was again placed before the learned arbitrator.

2. In the minutes of the meeting, recorded by the learned arbitrator on 22nd April, 2022, the learned arbitrator has recorded the progress of the matter and thereupon, it is recorded that the time limit for making the award, under the Act, has already come to an end. Therefore, the learned arbitrator has directed the parties to initiate appropriate proceedings in accordance with the law.

3. It is in this backdrop, that the present petition came to be filed, seeking extension of the mandate and time limit for the learned arbitrator to complete the proceedings and to pronounce the award.

4. Although there is grievance raised on behalf of the respondent that the petitioner has delayed approaching this Court, in the backdrop of the fact that the last minutes of the meeting, were recorded by the learned arbitrator, on 22nd April, 2022, this Court is of the opinion that it would be in the interest of justice that the mandate and time limit for the learned arbitrator is extended. This is particularly in the backdrop of the fact that the proceedings before the learned arbitrator, before the parties explored the possibility of settlement, had reached the stage of recording of evidence.

5. In view of the above, in the interest of justice, the mandate of the arbitrator and time limit for pronouncing the arbitral award, is extended upto 31st January, 2024.

6. The application stands disposed of.

(MANISH PITALE, J)

Priya Kambli