

K.S. Jadhav

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.13948 OF 2023

IN

ARBITRATION PETITION NO.5 OF 2017

Bhanvarlal Chunilal Sirvi

...Applicant / Claimant
Original Petitioner

Versus

Kirti Hemchand Shah

...Respondent

Mr. Prayag Joshi, Advocate for Applicant/Original Petitioner.

Mr. Siddheshwar B. Kalel, Advocate for Respondent.

CORAM : R.I. CHAGLA, J.

DATE : 31ST JULY, 2023.

ORDER :

1. By this Interim Application, the Applicant/Petitioner is seeking the extension of time for a period of six months to enable the Sole Arbitral Tribunal to proceed further with the Arbitration reference and pass Award on merits.

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2. The learned Counsel for the Respondent has consented to the grant of relief sought for by the Applicant/Petitioner.

3. It is noted that by order dated 15th November, 2021, the

mandate of the Arbitral Tribunal has been extended by consent of both the parties by a period of one year from the date of said order. That period expired in November 2022. However, as per Section 29(A) of the Arbitration and Conciliation Act read with Section 29(A) (4) and (5) of the Arbitration and Conciliation Act, the Court may extend the mandate after the expiry of the mandate. This is upon an application being made by any of the parties and the application being granted for sufficient cause on terms and conditions imposed by this Court.

4. Accordingly, the relief sought for in the Interim Application is granted.

5. In view of the fact that the evidence before the Arbitral Tribunal is over and it is at the stage of final arguments, the following order is passed :

(i) The mandate of the learned Arbitrator is extended by a period of six months for hearing arguments of the parties and passing of the Award thereupon.

(ii) The Interim Application is accordingly disposed of.

[R.I. CHAGLA, J.]