

Kavita S. J.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.15764 OF 2023
IN
ARBITRATION PETITION NO.98 OF 2018**

Seema Arvind Vishwakarma

**...Applicant /
Original Petitioner**

Versus

Hindustan Petroleum Corporation Ltd.,

...Respondent

Mr. P.A. Pol a/w Ranjit S. Hatkar i/b Pol Legal Juris, Advocates for Applicant/Original Petitioner.

Mr. S.R. Page alongwith Ms. Ruchi Umrotkar, Ms. Eesha Jayfalkar and Ms. Archana Joglekar, Advocates for Respondent.

CORAM : R.I. CHAGLA, J.

DATE : 4TH OCTOBER, 2023.

ORDER :

1. By this Interim Application, the Applicant/Petitioner is seeking extension of mandate of the Arbitral Tribunal for making of award in the Arbitration Proceedings in terms of Section 29-A (4) and (5) of the Arbitration and Conciliation Act, 1996.

2. The Applicant has set-out the facts and circumstances which has led to the filing of the present Interim Application. The Arbitrator was appointed by order dated 18th January, 2019 passed by this Court in Arbitration Petition No.98 of 2018. Thereafter,

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meetings were held on 12th April, 2019, at which the learned Arbitrator had upon settling the issues fixed placed the matter for recording of evidence on subsequent dates. The cross-examination of the first witness of the Claimant was completed by 4th July, 2019 and on 8th August, 2019 the Respondent submitted Affidavit of Evidence of two witnesses.

3. Thereafter, the cross-examination of the witnesses of the Respondent could not take place on account of Respondent not responding to the suggestion of dates for recording of the evidence. The Covid-19 period also intervened from March-2020 till 28th February, 2022. The Supreme Court has by order extended the period of limitation of proceedings which would include these proceedings till 28th February, 2022.

4. The learned Arbitrator had on 3rd August, 2023 directed the Applicant/Claimant to apply for extension of time under Section 29 of the Arbitration and Conciliation Act, 1996.

5. The learned Counsel for the parties have agreed for the extension of mandate of the Arbitral Tribunal for passing off the Award.

6. In view thereof, the following order is passed:

(i) The mandate of the Arbitral Tribunal is extended by a period of nine months for making of the award in the Arbitration Proceedings under Section 29-A (4) and (5) read with 29-A (1) of the Arbitration and Conciliation Act, 1996.

(ii) The Interim Application is accordingly disposed of.

(iii) There shall be no orders as to costs.

[R.I. CHAGLA, J.]