

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO. 195 OF 2023

Kirloskar Pneumatic Company Ltd. ...Petitioner

Versus

John Energy Ltd. ...Respondent

WITH

ARBITRATION PETITION NO. 196 OF 2023

Kirloskar Pneumatic Company Ltd. ...Petitioner

Versus

John Energy Ltd. ...Respondent

WITH

ARBITRATION PETITION NO. 189 OF 2023

John Energy Limited ...Petitioner

Versus

Kirloskar Pneumatic Company Limited ...Respondent

SHARAYU
PANDURANG
KHOT

WITH

ARBITRATION PETITION NO. 190 of 2023

John Energy Limited ...Petitioner

Versus

Kirloskar Pneumatic Company Limited ...Respondent

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Mr. Nishant S. Vyas, with Mr. Parth Choudhary for the Petitioner in ARP/189/23 and ARP/190/23 and for the Respondent in ARP/195/23 and ARP/196/23.

Ms. Niyati Shah, with Mr. Abhishek Chitnis for the Respondent in ARP/189/23 and ARP/190/23 and for the Petitioner in ARP/195/23 and ARP/196/23.

CORAM : R.I. CHAGLA J
DATE : 20 October 2023

ORDER :

1. By these Arbitration Petitions, relief has been sought for extension of mandate of the Sole Arbitrator for completing of the Arbitral proceedings by passing of the Award under Section 29A(4), (5) read with Section 29A(1) of the Arbitration and Conciliation Act, 1996.

2. The Petitioner has stated that the Sole Arbitrator was appointed under Section 11 of the Arbitration and Conciliation Act, 1996 in Arbitration Petition bearing No. 162 of 2019 and Arbitration Petition No. 20 of 2020 vide order dated 2nd March 2021.

3. The Sole Arbitrator had thereafter commenced the proceedings and directions were issued in the 1st arbitral meeting

held on 12th March 2021 which has been annexed at Exh.C to the Petition. The pleadings were completed by the parties on 12th July 2021 and issues framed by the Sole Arbitrator on 20th September 2021.

4. By order dated 10th January 2022 passed by the Supreme Court, in *suo motu* Writ Petition No. 03 of 2020, the period of limitation was extended and that would exclude the period from 15th March 2020 to 28th February 2022.

5. Thus, considering that under Section 29A(1) of the Arbitration and Conciliation Act, 1996 a period of 12 months is to be computed from completion of pleadings i.e. 12th July 2021. This period is extended by virtue of the order of the Supreme Court as the period falls within the extended period of limitation. Thus, the 12 months period is to be computed from 1st March 2022. The parties to the Arbitral proceedings had by consent extended the mandate of the Arbitral Tribunal from 1st March 2023, upon the expiry of the 12 months period i.e. on 28th February 2023 for a further period of six months till 31st August 2023 under Section 29A(3) of the Arbitration and Conciliation Act, 1996. This has been recorded in the Minutes of

the Meeting held by the Sole Arbitrator dated 21st August 2023. The present Petitions have been filed on 28th August 2022 seeking extension of mandate of the Arbitral Tribunal under Section 29A(4) and (5) of the Arbitration and Conciliation Act, 1996.

6. The learned Counsel for the parties have consented to the extension of the mandate of the Sole Arbitrator by a further period of nine months for completing the Arbitral proceedings and passing Award within the extended period.

7. In view thereof, following order is passed.:-

- (i) The mandate of the Sole Arbitrator is extended by a period of nine months from 1st September 2023.
- (ii) Arbitration Petitions are accordingly, disposed of.
- (iii) There shall be no order as to costs.

[R.I. CHAGLA J.]