

Kavita S. J.

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

**INTERIM APPLICATION NO.18317 OF 2023
IN
ARBITRATION PETITION NO.110 OF 2018 (DISPOSED OF)**

Captions Outdoor Advertising

**...Applicant /
Original Petitioner**

Versus

**Central Railway,
though Senior Divisional Commercial
Manager, Pune Division**

...Respondent

Mr. Mohd. Hussain Bubere i/b Javed Patel, Advocate for
Applicant/Original Petitioner.

T.J. Pandian a/w Tanisha Raikwar, Gautam Modanwal, Advocates for
the Respondent.

CORAM : R.I. CHAGLA, J.

DATE : 22ND DECEMBER, 2023.

ORDER :

1. The present Interim Application has been filed in disposed
of Arbitration Petition No.110 of 2018.

2. By this Interim Application, the Applicant has sought
extension of the period for declaration of the Award under Section
29A of the Arbitration and Conciliation Act by one year as per the
provision of law with conditions as this Court may deem fit in the
interest of justice, equity and law.

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3. The Arbitrator was appointed by this Court vide order dated 25th September, 2019. Thereafter, the arbitral meetings commenced on 30th November, 2019 and notice was issued to the Respondent by Arbitrator. The Claimant was directed to file Statement of Claim which was filed on or about 24th January, 2020. The Respondent was thereafter directed to file statement of Defence for which time was taken on 29th February, 2020 and the matter was adjourned to 28th March, 2020.

4. The National Lockdown was announced due to Covid pandemic and hence, no hearing took place till 17th November, 2020. On that date, another application for adjournment was made by the Respondent for granting time to file Defence Statement. On the adjourned date i.e. 26th December, 2020, the Arbitrator passed an order for proceeding with the matter without the Statement of Defence of the Respondent.

5. Directions were issued for filing of an Affidavit in lieu of examination-in-chief. The Applicant on or about 16th January, 2021 sought further time to file Affidavit in lieu of examination-in-chief as the same was not signed by the Applicant.

6. The Advocate for the Respondent filed application for setting aside order for No Written Statement and after hearing the parties, the Arbitrator passed an order setting aside the order for No Written Statement. The Applicant has thereafter filed an Affidavit of Evidence and admission and denial on the documents relied upon by the parties.

7. The Applicant has stated that after completion of admission and denial on the documents, the cross examination of the witness of the Applicant started and number of hearings have taken place and the cross examination of the witness of the Applicant started. In view of the Arbitration mandate expiring on 18th February, 2023, the Applicant filed an Interim Application No.1509 of 2023 for extension of time for a period of one year.

8. The Applicant has stated that this Court by order dated 17th February, 2023 extended the mandate of the Arbitration till 31st December, 2023.

9. The Applicant has stated that after extension of mandate of the Arbitration, several hearings took place and witness of the Applicant was cross examined on number of dates. On those days, the

cross examination of the witness of the Applicant has almost been completed and cross examination of the Respondent will start.

10. Accordingly, present Interim Application has been filed seeking necessary further extension of mandate for completion of further cross examination of the witness of the Applicant and for declaration of the Award.

11. The learned Counsel for the Respondent has no objection to the relief sought for in the Interim Application being granted.

12. Considering that it would take one year's time for completion of the arbitral proceedings and passing of the Award, the following order is passed:

(i) Mandate of the arbitration is extended by a period of one year under Section 29A of the Arbitration Act.

(ii) The parties shall make endeavour to complete the arbitral proceedings within that period and the Arbitrator is also requested to pass Award within the same time period.

(iii) The Interim Application is accordingly disposed of.

[R.I. CHAGLA, J.]