

Bharat Heavy Electricals Limited	...	Petitioner
Vs.		
Hindustan Construction Company Limited	...	Respondent

Mr. Rishab Aggarwal a/w. Ms. Meghranjini Chandu and Mr. Suvaankoor das i/b. Krishnamurthy and Co. (K Law) for Petitioner.

Mr. Karen Bhosale and Mr. Deepak Kumar Thakur i/b. Luthra & Luthra Law
Offices India for Respondent.

CORAM : MANISH PITALE, J.
DATE : AUGUST 24, 2023

P.C. :

. By this petition filed under Section 29-A of the Arbitration and Conciliation Act, 1996, the petitioner has approached this Court for extension of mandate of the arbitral tribunal, which expires on 28.08.2023.

2. Attention of this Court is invited to minutes of the meetings held between 29.05.2023 and 31.05.2023, to contend that a schedule for conducting the arbitration proceedings was fixed.

3. It is further submitted that in subsequent meetings held between 24.07.2023 and 26.07.2023, the schedule was varied, as a consequence of which, there is every possibility of the hearing of the arguments of rival parties spilling over to the next year.

4. This Court is also informed that five witnesses of the claimant have already been cross-examined. One more witness needs to be cross-examined and thereafter one witness of the respondent will be examined during the course of the proceedings before the arbitral tribunal.

5. The respondent consents to extension of mandate of the arbitral tribunal but has some reservations for extension for a period upto ten months from 28.08.2023.

6. Mr. Aggarwal, learned counsel for the petitioner (original claimant) has tendered copy of the minutes of the meetings held between 24.07.2023 and 26.07.2023. The same are taken on record and marked 'X'.

7. Upon a perusal of the said minutes of the meetings, this Court is convinced that the time period for which extension of the mandate is sought on behalf of the petitioner deserves to be granted, particularly for the reason that the arbitral tribunal may require sufficient time to consider the material on record and the arguments of the rival parties to pronounce the arbitral award.

8. This Court is convinced that sufficient grounds are made out for extension of mandate as prayed on behalf of the petitioner.

9. Accordingly, the petition is allowed and the mandate of the arbitral tribunal is extended upto 30.06.2024.

10. The petition stands disposed of.

(MANISH PITALE, J.)

Minal Parab