



A.No.4346 of 2023

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C.SARAVANAN, J.

The Applicant has filed this Application to extend the mandate of the learned Arbitrator by six months for conducting the arbitral proceedings for passing the Award.

2. Notices on the respondents have been served. Despite their names being printed in the cause list, there is no representation on their behalf.

3. In the affidavit, it has been stated as follows:-

"4. The respondent furnished the audited accounts of the partnership firm as recorded in the second sitting held on 09.01.2020. Thereafter during the 3rd sitting held on 08.12.2020 the Arbitral Tribunal recorded the fact that the mandatory one year period to pass the award ended on 04.12.2020 and that in view of the suo moto orders in SLP No.3 of 2020 by the Hon'ble Supreme Court that there shall be no limitation during the lockdown period, the period from 22.03.2020 till the date of revocation of lockdown period was treated as exempted and excluded from the one year mandatory period.

5. Thereafter the fourth sitting was held on 23.07.2021. In the fourth sitting the claimant was directed to file her statement of claim on or before 30.08.2021. The respondents were directed to file their reply on or before 30.09.2021 and the matter was posted for framing issues on 15.12.2021. The orders of the Hon'ble Supreme Court during March, 2021 extending the limitation due to the second wave of COVID was also recorded. The undertaking of the counsel for the claimant for filing the necessary application before this Hon'ble Court for extension of time as the matter could not be proceeded due to COVID-19 was also recorded during this sitting.



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6. However, my then counsel could not prepare the claim statement and could not file the petition for extension of time due to his various other professional pressures. I therefore had to take back the papers from him and engage another counsel. Being a woman who lost her husband and as a single parent with two children who are still studying, it took some time for me to locate another advocate. Hence, the petition for extension of time could not be filed till now.

7. I submit that the arbitration could not be completed within the mandatory period of one year due to COVID lockdown as stated above. I am struggling a lot after the demise of my husband and fervently hoping that I will get the rightful dues from the partnership firm by this process of arbitration. The shares in the profit which I am hoping to get will be of great relief to myself and my children. The dispute is a commercial dispute under Section 2(1)(c)(xv) of the Commercial Courts Act, 2015 and is of the specified value as defined under Section 2(1)(i) read with Section 12 of the Act."

4. Being satisfied with the reasons stated in the affidavit filed in support of this application, the mandate of the learned Arbitrator, to complete the arbitral proceedings, to pass an Award is extended by six months from today i.e., from 19.10.2023.

5. This application is, thus, allowed.

19.10.2023

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