



Application No.410 of 2023

WEB COPY **KRISHNAN RAMASAMY, J.**

This Application has been filed by the applicant praying to grant a further period of six months to complete the arbitral proceedings and for passing an award.

2. The learned counsel for the applicant submitted that this Court vide its order dated 28.09.2022, allowed the Application No.412 of 2022 and directed all the witnesses to appear before the Arbitral Tribunal on 26.10.2022. However, the witnesses did not appear before the Arbitral Tribunal on the said date. Thereafter, when the said application was listed for hearing on 18.11.2022, this Court directed the Registry to issue summons to the witnesses and directed the witnesses to appear before the Arbitral Tribunal on 09.12.2022, even then, the witnesses did not appear before the Arbitral Tribunal on that date. Therefore, the learned Arbitrator scheduled the hearing of the case on 24.12.2022, for cross examination of the respondent witness (R.W.1) and directed the applicant to book the arbitration hall. While so, the learned Arbitrator sent a notice dated



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20.12.2022 to the applicant, stating that the mandate of the arbitration has come to an end and therefore, it is left to the parties to approach this Court for extension of time for continuing the arbitral proceedings. Therefore, the learned counsel prayed this Court to extend the time for completion of arbitral proceedings and passing of award, for a further period of six months.

3. Despite the service of notice and the name of the respondent is being printed in the cause list, none appeared on behalf of the respondent. This shows that the respondent is not interested in prosecuting the case.

4. As far as this case is concerned, the pleadings were completed before the Arbitral Tribunal and the Award is yet to be passed. Though summons were issued to the witnesses, they did not appear before the learned Arbitrator on the dates fixed for hearing. Therefore, the learned Arbitrator issued proceedings dated 20.12.2022 to the applicant, stating that time limit for concluding the proceedings and passing the Award had expired and therefore, the parties have to approach this Court for extension of time to continue the arbitration proceedings.



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5. Considering the submissions made by the learned counsel for the applicant and also, taking note of the fact that the Tribunal cannot continue the arbitration proceedings without appropriate extension of time being granted by this Court, I am inclined to allow this Application. Accordingly, this Application is allowed and the time for completion of arbitral proceedings and passing of award, is extended for a further period of six months. The learned Arbitrator is directed to complete the arbitration proceedings, within a period of six months from the date of receipt of a copy of this order.

15.02.2023

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