

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

ARB-179-2023 (O&M)
Date of Decision:-16.10.2023

Raghunath GoyalPetitioner

Versus

State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kashish Garg, Advocate for the petitioner.

Mr. Sharad Aggarwal, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed under provisions of Section 29-A of Arbitration and Conciliation Act, 1996 seeking extension of time period for publication and pronouncement of award as the mandate of Arbitrator is stated to have expired on 13.3.2023.
2. Notice of motion had been issued in the present case.
3. Mr. Sharad Aggarwal, DAG, Haryana has put in appearance on behalf of the respondent – State and has also filed reply opposing the present petition.
4. This Court has heard learned counsel for the parties.
5. It is apposite to bear in mind the provisions of Section 29 – A of Arbitration and Conciliation Act, 1996, which are reproduced hereinunder:

“29A. Time limit for arbitral award.—

- (1) The award shall be made within a period of twelve months from the date the arbitral tribunal enters upon the reference.

Explanation.—For the purpose of this sub-section, an arbitral tribunal shall be deemed to have entered upon the reference on the date on which the arbitrator or all the arbitrators, as the case may be, have received notice, in writing, of their appointment.

- (2) If the award is made within a period of six months from the date the arbitral tribunal enters upon the reference, the arbitral tribunal shall be entitled to receive such amount of additional fees as the parties may agree.
- (3) The parties may, by consent, extend the period specified in sub-section (1) for making award for a further period not exceeding six months.
- (4) If the award is not made within the period specified in sub-section (1) or the extended period specified under sub-section (3), the mandate of the arbitrator(s) shall terminate unless the Court has, either prior to or after the expiry of the period so specified, extended the period: Provided that while extending the period under this sub-section, if the Court finds that the proceedings have been delayed for the reasons attributable to the arbitral tribunal, then, it may order reduction of fees of arbitrator(s) by not exceeding five per cent. for each month of such delay.
- (5) The extension of period referred to in sub-section (4) may be on the application of any of the parties and may be granted only for sufficient cause and on such terms and conditions as may be imposed by the Court.
- (6) While extending the period referred to in sub-section (4), it shall be open to the Court to substitute one or all of the arbitrators and if one or all of the arbitrators are substituted, the arbitral proceedings shall continue from the stage already

reached and on the basis of the evidence and material already on record, and the arbitrator(s) appointed under this section shall be deemed to have received the said evidence and material.

- (7) In the event of arbitrator(s) being appointed under this section, the arbitral tribunal thus reconstituted shall be deemed to be in continuation of the previously appointed arbitral tribunal.
- (8) It shall be open to the Court to impose actual or exemplary costs upon any of the parties under this section.
- (9) An application filed under sub-section (5) shall be disposed of by the Court as expeditiously as possible and endeavour shall be made to dispose of the matter within a period of sixty days from the date of service of notice on the opposite party.”

6. A perusal of the aforesaid provisions indicate that it is the ‘Court’, which has been made competent in accordance with sub – Section 5 of Section 29 – A of Arbitration and Conciliation Act for granting such extension. The definition of Court as existing in Section 2(e) of Arbitration and Conciliation Act is reproduced hereinunder:

“**2(e)** “Court” means the principal Civil Court of original jurisdiction in a district, and includes the High Court in exercise of its ordinary original civil jurisdiction, having jurisdiction to decide the questions forming the subject-matter of the arbitration if the same had been the subject-matter of a suit, but does not include any civil court of a grade inferior to such principal Civil Court, or any Court of Small Causes.”

7. A perusal of aforesaid provision indicates that an application for extension of time period for publication and pronouncement of award would be maintainable in the Principal Court of Civil Jurisdiction. In these

circumstances, this Court is of the opinion that filing the petition directly in this Court would rather be not maintainable. As such, the instant petition is disposed of with liberty to the petitioner to take necessary steps so as to move appropriate application before the Principal Court of Civil Jurisdiction.

16.10.2023
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No