

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.41 of 2024

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M/s Bihar Home Developers and Builders

... .. Petitioner/s

Versus

Shri Narendra Prasad Gupta

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Manini Jaiswal, Advocate
For the Respondent/s	:	Ms. Minakshi Kumari, Advocate
		Mr. Munna Raj, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 28-06-2024 The short question raised herein is the extension of time for completing the arbitration and substitution of arbitrator.

2. On an interpretation of Section 29A of the Arbitration and Conciliation Act, 1996, the Hon'ble Supreme Court in *Special Leave to Appeal (C) No(s). 10544/2024 (Chief Engineer (NH) PWD (Roads) v. M/s BSC & C and C JV)* has held as follows:-

“The power under sub-section (4) of Section 29A of the Arbitration Act vests in the Court as defined in Section 2(1)(e) of the Arbitration Act. It is the principal Civil Court of original jurisdiction in a district which includes a High Court provided the High Court has ordinary original civil jurisdiction.”

In this case, the High Court does not have



the ordinary original jurisdiction. The power under sub-Section (6) of Section 29A is only a consequential power vesting in the Court which is empowered to extend the time. If the Court finds that the cause of delay is one or all of the arbitrators, while extending the time, the Court has power to replace and substitute the Arbitrator(s). The said power has to be exercised by the Court which is empowered to extend the time as provided in sub-Section (4) of Section 29A of the Arbitration Act.

Hence, there is no merit in the Special Leave Petition. The same is, accordingly, dismissed.

3. In the above circumstances, even going by the decision of the Hon'ble Supreme Court in ***Kunhayammed & Ors. vs State Of Kerala & Anr.; (2000) 6 SCC 359***, though a dismissal of the S.L.P., the direction as extracted herein is binding under Section 141 of the Constitution of India.

4. Hence, the request case is closed leaving the parties to approach the principal Civil Court of original jurisdiction.

(K. Vinod Chandran, CJ)

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