

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

COMMERCIAL ARBITRATION PETITION NO. 7 OF 2024

Skyway Infraprojects Pvt.Ltd.

...Petitioner

Versus

Kulgaon Badlapur Municipal Council

...Respondent

Mr. Vishwajit P. Sawant, Senior Counsel a/w Mr. Prabhakar M. Jadhav
for the Petitioner.

Mr. N.R. Bubna for the Respondent (at 2.30 p.m.).

CORAM : R.I. CHAGLA J

DATE : 16 February 2024

ORDER :

1. By this Petition, the Petitioner is seeking grant of extension of the mandate of the learned Arbitrator by a period of three months with effect from 29th February 2024 for completing the arbitral proceedings and making the Award.

2. Mr. Vishwajit Sawant, the learned Senior Counsel appearing for the Petitioner has tendered Affidavit of Service dated

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by SHARAYU
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16th February 2024 which shows that the Respondent's Advocate has been served by hand delivery on 14th February 2024 and acknowledgment of service is borne out from the letter dated 4th February 2024, which is annexed at Exh.A to the Affidavit of Service. Further, the Respondent has been served with a copy of Petition on 14th February 2024 through e-mail, which is annexed at Exh.B to the Affidavit of Service. Affidavit of Service is taken on record.

3. Mr. Sawant has referred to the e-mail dated 3rd February 2024, which was sent by the learned Arbitrator requesting the parties to apply to this Court for extension of the period by three months for making of the Award.

4. The learned Arbitrator had been appointed by an order dated 4th September 2020 passed by this Court. Thereafter, pleadings were completed on 16th March 2021. Evidence was completed on 9th June 2023. Hearing thereafter took place, which has been concluded on 9th November 2023. The matter was reserved for passing of Award and the parties were directed to file written submissions.

5. Thereafter, the parties had filed written submissions on 15th December 2023. This was during the further extension of mandate by order dated 1st November 2023, which had extended the mandate by a period of six months. The mandate of the learned Arbitrator is expiring on 28th February 2024.

6. Considering that it only remains for the learned Arbitrator to pass the Award and an e-mail has been sent by the learned Arbitrator requesting for a three months time from 29th February 2024, I see no reason for adjourning the matter on the ground that the Respondent's Advocate was not present. Further, the Respondent's Advocate has been served, as borne out from the Affidavit of Service which has been taken on record. The Respondent's Advocate has thereafter made an appearance at 2.30 p.m, which is noted.

7. Accordingly, relief sought for in the Arbitration Petition is required to be granted. Hence, the following order is passed.:-

- (i) Mandate of the learned Arbitrator is extended by a period of three months from 29th February 2024 for

completion of arbitral proceedings and for passing of the Award under Section 29A(4) of the Arbitration and Conciliation Act, 1996.

(ii) Arbitration Petition is accordingly, disposed of.

(iii) There shall be no order as to costs.

[R.I. CHAGLA J.]