

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
ARBITRATION PETITION NO.29 OF 2024

Suvarna Balasaheb Patil	]			
Through PoA	]			
Balgonda Alias Balaso Pirgonda Patil	]	..	Petitioner	
vs.				
Bhausahab Sidgonda Parvate	]	..	Respondent	

Mr.Vikrant Anand Desai for the Petitioner.

Mr.Sangram Yadav for the Respondent.

CORAM : BHARATI DANGRE, J

DATE : 9th May, 2024.

P.C.

1] The disputes arising out of the Partnership Deed contemplated arbitration as the mode of its resolution.

In the wake of the existing disputes, on 18.10.2019, the Sole Arbitrator was appointed to adjudicate the disputes.

Upon the claim being filed, the Respondent filed its statement of defence in the year 2019 itself. However, the limitation of one year expired during the Covid period and a joint pursis was filed by the Parties permitting extension by another six months.

In the wake of the consensus expressed, preliminary decree was drawn in respect of the Partnership firm on 24.01.2022 and thereafter the Arbitrator directed the Commissioner to do the needful, but unfortunately he withdrew.

The Commissioner was substituted, who failed to respond and in the meantime, the mandate of the Arbitrator expired and in the meeting held on 01.03.2023, the Arbitrator terminated the proceedings since none of the Parties has sought extension of his mandate.

2] It is, in these circumstances, on 06.04.2023 the present Petition is filed by invoking sub section (4) of Section 29A of the Act of 1996, seeking extension of the mandate from the date when it expired, till completion of the proceedings.

3] Though the Petitioner do not specifically set out the period for which extension is sought, by consent, the respective counsel request the Court to extend the mandate of the Arbitrator by a period of four months from the date of passing of this order.

It is expected that during the extended period the learned Arbitrator shall take appropriate steps to act in accordance with the preliminary decree and draw curtain on the proceedings.

Petition is made absolute in the aforesaid terms.

[BHARATI DANGRE, J]