

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO. 14 OF 2024

Kamlesh Gul Jagasia

...Petitioner

Versus

Ishwar Constructions Pvt Ltd

...Respondent

Mr Shon Gadgil, for the Petitioner.

Mr Drupad S Patil, with Dheeraj Patil, for the Respondent.

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CORAM: ARIF S. DOCTOR, J
DATED: 16th July 2024

PC:-

1. The present Application is filed under Section 11 of the Arbitration and Conciliation Act 1996 for extension of the mandate of the Arbitral Tribunal.

2. Learned Counsel appearing on behalf of the Petitioner submits that the mandate of the Tribunal expired on 15th December 2023. He submits that this is the first extension and the final arguments in the arbitral proceedings have in fact concluded. He also submits that the present application was filed on 1st December 2023 which was before the expiry of the mandate of the Arbitral Tribunal.

3. A grievance is raised by Mr Patil, Learned Counsel appearing on behalf of the Respondent that the Tribunal has despite expiry of the mandate, passed the Award. He does not however seek time to file a reply or otherwise oppose this application.

4. Given this, since there is no opposition to this application on merits, I am inclined to allow the same. Needless to state that the contention of the Learned Counsel for the Respondent to the validity or otherwise of the Award, if any, as prayed would always be available to the Respondent in an appropriate proceeding for challenge of the said Award.

5. The Application thus allowed in terms of prayer clause (a), which reads as follows:

“(a) Extend the mandate of the Ld. Arbitral Tribunal for additional period of 12 months or such other period as this Hon’ble Court deems fit and proper.”

6. It is made clear that the time to complete the mandate of the Tribunal is extended only by a period of six months and shall commence from the date on which a copy of this order is uploaded.

7. The Application is accordingly disposed of.

(ARIF S. DOCTOR, J)