

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION PETITION NO. 80 OF 2024

The Commissioner, Nashik Municipal Corporation ...Petitioner

Versus

MIC Electronics Ltd ...Respondent

Mr Vaibhav Patankar, i/b Patankar & Associates, for the Petitioner.

None for the Respondent.

CORAM: ARIF S. DOCTOR, J

DATED: 15th July 2024

PC:-

1. The present Application is filed under Section 29A of the Arbitration and Conciliation Act 1996 for extension of the mandate of the Aribtral Tribunal.

2. Learned Counsel appearing on behalf of the Petitioner submits that the Respondent has been duly served. He also submits a copy of an email communication dated 12th July 2024 address to him by the Learned Counsel appearing on behalf of the Respondent, which confirms that the Respondent's Advocate shall be appearing virtually in the mater today and has also requested the Learned Counsel appearing on behalf of the Petitioner to provide them with the virtual conferencing link and listing details of the matter today.

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SANJAY
MORMARE

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Date: 2024.07.18
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3. Learned Counsel invited my attention to an email dated 13th July 2024, by the the Respondent's Advocate were informed as follows:

"Greetings form Patankar & Associates !!!!

Please take note that there is no separate link for joining the video conferencing in the Hon'ble High Court at Bombay but you can opt for the virtual hearing through the website of the Hon'ble High Court under the heading 'Virtual Hearing from where you will be directly redirected in the concerned court by clicking upon the picture of the Hon'ble Judge and in the present case on the photograph of His Lordship Mr Justice A. S. Doctor before whom the mater is listed. I have provided the details of the listing by separate email."

4. However, when the matter was called out, none appeared for the Respondent. Learned Counsel appearing on behalf of the Petitioner submits that the final arguments in the arbitration have been completed and all that remains is passing of the Arbitral Award. He points out from an email dated 7th February 2024 addressed to the parties by the Learned Presiding Arbitrator which sets out the reasons as to why it would not be possible for the Tribunal to pronounce the Award before 19th March 2024 on which date the mandate expires. It is for this reason that an extension has been sought for.

5. After hearing learned Counsel for the Petitioner and satisfying myself that the Respondents were duly served with the present Application, I deem it fit in the interest of justice and given that substantial progress made in the arbitration proceedings to allow the present application in terms of prayer clause (a), which reads as follows:

“(a) this Hon’ble Court be pleased to extend the time period for the disposal of arbitral proceedings of Arbitration Case No. 1 of 2022 & Arbitration Case No. 2 of 2022 pending between the petitioner (Original Claimant) and the respondent (Original Respondent) before the arbitral tribunal comprising of Mr. Justice Madan B. Lokur (Retd.)– Presiding Arbitrator, Mr. Justice E. Padmanabhan (Retd.) –Co-Arbitrator and Mr. T.C. Benjamin (Retd. IAS)–Co-Arbitrator, by the period of six (6) months or by any such time as this Hon’ble Court deems fit for the completion and adjudication of the dispute between parties in the said arbitral proceedings, in accordance with law.”

6. It is made clear that the time 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)