

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.150 OF 2024
IN
COMM. ARBITRATION APPLICATION NO.74 OF 2021

Rudresh Krishnachandra Jhunhunwala & .. Applicants
Ors.

Versus

Radha Krishnachandra Jhunhunwala & .. Respondents
Anr.

...

Mr.S.P.Kanuga with Ms.Khushboo Agarwal for the Applicants.

Mr.Prakash Shah with Mr.Pradhuman Chauhan for the
Respondents.

...

CORAM: BHARATI DANGRE, J.

DATED : 26th APRIL, 2024

P.C:-

1. The present Application is filed in a disposed off arbitration proceedings, by invoking Section 29-A(1) of the Arbitration and Conciliation Act, 1996, seeking extension of the mandate of the Arbitral Tribunal, by a period of one year.

The Application revealed that by order dated 08/03/2022, passed by this Court, the Sole Arbitrator was appointed to resolve the dispute between the parties, by consent. In paragraph 4 of the Application it is categorically

stated that the arbitral proceedings could not be completed within the prescribed period of one year, as the settlement talks were going on.

The talks having been failed, the issues are settled upon the counter-claim being filed and now the matter is at the stage of recording of evidence before the learned Arbitrator. Since the time was consumed in attempting the settlement, the extension is sought by a period of one year.

2. The learned counsel for the Respondents raises a technical objection about the application being filed in a disposed off proceedings, which in my considered opinion, does not deserve any attention, in the wake of the fact that the Application invokes Section 29-A(1) of the Act, which is the power of the Court to extend the mandate of the Arbitral Tribunal. It is not the form but the substance of the Application, which is to be considered by me and considering that there is no opposition on merits at the end of the Respondents, the mandate of the Arbitral Tribunal is extended by a period of one year from today.

The learned Arbitrator is requested to conclude the proceedings within the extended period and shall not indulge the parties on the ground of effecting a settlement.

The Application stands disposed off the aforestated terms.

(SMT. BHARATI DANGRE, J.)