

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS COMMERCIAL DIVISION

COMMERCIAL ARBITRATION PETITION NO. 222 OF 2024

Elpro International Limited

...Petitioner

Versus

Shripal Morakhia & Anr

...Respondents

Mr Shayan Dasgupta, with Taha Mirza, i/b Khaitan & Co., for the
Petitioner.

Mr Onkar Chandurkar, with Akshay Kamble, Neha Patil, Trupti Poojary
& Pritesh Bodekar, i/b Vivaka Partners, for the Respondents.

CORAM: ARIF S. DOCTOR, J

DATED: 27th August 2024

PC:-

SHEPHALI
SANJAY
MORMARE

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1. This Petition is filed under Section 29A of the Arbitration and Conciliation Act 1996 for extension of the mandate of the Arbitral Tribunal, which has expired on 25th April 2024.

2. The Learned Counsel appearing on behalf of the Petitioner submits that the arbitration proceedings have all over concluded and it is only the Arbitral Award that remains to be passed. He submits that it is thus a period of only six month has been sought for as and by way of last chance. The Application is opposed by Respondent No. 1, who has

filed an Affidavit stating that on 17th July 2023, an Application under Section 95 of the Insolvency and Bankruptcy Code was filed and then the said Application was refiled on 24th July 2024, the effect of which to stay all legal proceedings which would include the arbitration against qua Respondent No. 1. Insofar as Respondent No. 2 is concerned, there is, therefore, no objection to the extension of time. Hence, I am inclined to allow the Petition in terms of prayer clause (a), which reads as follows:

“(a) this Hon'ble Court be pleased to extend the mandate of the Learned Sole Arbitrator by a period of 6 (six) months up to 24 October 2024.”

3. It is made clear that this shall be the final extension and that the period of six months to complete the mandate of the Tribunal shall commence from the date on which a copy of this order is uploaded.

4. The Petition is accordingly disposed of.

5. Both Learned Counsel do not dispute that the Petition is filed under Section 29A for extending the time of the Tribunal.

(ARIF S. DOCTOR, J)