



Application No.3477 of 2024

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WEB CO **K.KUMARESH BABU, J**

This application has been filed to extend the mandate of the learned Arbitrators appointed by this Court for six months from 29.01.2024.

2. Learned Senior Counsel appearing on behalf of the respondent vehemently opposed the extension of mandate by contending that there has been no sufficient cause or reasons given by the learned Arbitrator for not passing the Award. He would also contend that pleadings in the arbitral proceedings have been completed on 30.07.2023 and by proceedings in 05.05.2023, the learned Arbitrator has reserved the case for orders. The mandate had expired on 29.07.2023 and thereafter, only on 06.09.2023, the applicant-Copany itself had given by consent for extension of mandate to the Arbitral Tribunal, but no consent had been given on behalf of the respondent-Board. Even assuming that an implied consent had been given, the said period also had expired much before the filing of this application. Hence, he would seek that there is necessity to extend the mandate given by Arbitral Tribunal.



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3. Considering the objection raised by the learned Senior Counsel appearing for the respondent, however, I am not inclined to accept the reason for refusing to extend the mandate. Admittedly, the arguments have been heard by the learned Arbitrator and matters have been reserved for passing orders, however, in view of certain events, the learned Arbitrator himself had expressed his difficulty to pass an Award within the stipulated time.

4. Section 29-A of the 'Arbitration and Conciliation Act, 1996' [hereinafter referred to as 'the Act'] contemplates a situation that Arbitral Tribunal can be put on terms for passing the Award within the expiry of the mandate or substitute the Arbitrator for the reasons having been recorded.

5. The learned Arbitrator seems to have been in some predicament, and hence, he could not pass the Award within the stipulated time. Therefore, I am not inclined to put the Arbitrator to the Arbitral Tribunal on terms as indicated under Section 29-A of the Arbitration and Conciliation Act. Further, no useful purpose would be served in substituting the Arbitrator as provided under Section 29-A of the Act,



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since the learned Arbitrator had fully heard the case and reserved the matter for orders.

6. The Hon'ble Apex Court, in the judgment reported in **2024 SCC OnLine2494** had held that even after the expiry of the mandate, an application for extension of the time period for passing an Award is maintainable.

7. In such view of the matter, I am inclined to extend the mandate for a period of four weeks to enable the learned Arbitrator to pass the Award. The learned Arbitrator is requested to pass the Award within the period of four weeks from the date of receipt of a copy of this order by the Arbitral Tribunal.

8. This application is ordered in the above terms. There shall be no order as to costs.

01.10.2024

Ms/Maya



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