



Appln.No.3691 of 2024

K. KUMARESH BABU, J.

Today, when the application is taken up hearing, the learned counsel appearing for the respondent would contend that they do not have any objection for extending the mandate, but not before the very same Arbitrator. He would request this Court to substitute new Arbitrator.

2. In support of his contention, he would submit that because of the delay in proceeding with the arbitral proceedings, the applicant has been initiating legal proceedings against the respondents which causes undue harassment and mental agony to the respondent. Even though, he would submit that there is no attribute to the Arbitrator and he is adjourning the proceedings for his illhealth.

3. The learned counsel for the respondent has no objection for the mandate to be extended and he requested this Court only to substitute the Arbitrator.

4. The learned counsel for the respondent has also filed counter affidavit. On perusal of the counter it reveals that no allegations has been raised as against the Arbitrator, for this Court to exercise the power under Section



29(A)(6) to substitute the existing Arbitrator. The allegations are only as against the applicants.

WEB COPY

5. This Court cannot shun away the rights of the applicants to initiate any further proceedings as against the respondents which may not fall within the four corners of the Arbitration agreement. Therefore, the request of the learned counsel for the respondent cannot be sustained by this Court.

6. However, considering the stage on which the arbitral proceedings are at, this Court is inclined to extend the mandate for a further period of six (6) months from today. The learned Arbitrator is requested to complete the proceedings and pass an Award within the said period of six (6) months and the respective parties are also directed to co-operate with the learned Arbitrator.

7. With the above direction, this application is ordered.

10.09.2024

tsh

K. KUMARESH BABU, J.,



WEB COPY



tsh

Appln.No.3691 of 2024

10.09.2024