



A.Nos.6455 of 2023 & 973 of 2024

A.Nos.6455 of 2023 & 973 of 2024

C.SARAVANAN, J.

The applicant herein has filed two applications i.e., A.No.6455 of 2023 and A.No.973 of 2024.

2. A.No.6455 of 2023 has been filed under Section 27 of the Arbitration and Conciliation Act, 1996 to issue subpoena summons to the Union Bank of India – Personal Banking Branch (formerly Corporation Bank-Personal Banking Branch, Whites Road).

3. During the interregnum, the mandate of the learned Arbitrator had expired by operation of law and therefore, a formal application in A.No.973 of 2024 has been filed for extending mandate of the learned Arbitrator to complete the Arbitral Proceedings.

4. Mr.K.A.Ramakrishnan, learned counsel for the respondent appears through video conferencing and raises an objection regarding the maintainability of the respective applications. He would submit that the Arbitrator was appointed by this Court on 21.11.2019.



A.Nos.6455 of 2023 & 973 of 2024

WEB COPY

5. The applicant had filed a claim petition during the month of May 2021 and the respondent had filed the counter on 23.08.2021. It is submitted that the issues were framed on 02.12.2021.

6. It is further submitted that after the counter was filed on 23.08.2021, the Arbitral proceedings had to be completed within a period of one year or within a period of six months thereafter, subject to order being passed by the learned Arbitrator with consent.

7. It is further submitted that the 18 month period expired on 24.02.2023, whereas the application for issuance of summons in A.No.6455 of 2023 was filed only on 25.09.2023.

8. It is therefore submitted that both A.No.6455 of 2023 as also A.No.973 of 2024 are time barred and therefore, both the applications are liable to be rejected.



A.Nos.6455 of 2023 & 973 of 2024

9. The learned counsel for the petitioner by way of rejoinder would submit that the applications are well within the time.

10. He would further submit that although the claim petition was filed during the month of May 2021 and counter was filed by the respondent on 23.08.2021, it is submitted that due to outbreak of covid19 pandemic the period stood extended and in the light of the decision of the Hon'ble Supreme Court in **Cognizance for Extension of Limitation, In re, (2022) 3 SCC 117**, extension of time period between 21.03.2020 and 31.03.2020 to the stand excluded for the purpose of computation of limitation under the Arbitration and Conciliation Act, 1996.

11. Hence, he would submit that the mandate of the learned Arbitrator would stand terminated only during the month of September 2023 i.e., 13.09.2023 and therefore, he would submit that the objection of the respondent countenanced.

12. He would further submit that the respondent has also participated in the proceedings and it would be incorrect to submit that the mandate of



A.Nos.6455 of 2023 & 973 of 2024

the arbitrator had expired on 24.02.2023 in as much as the respondent was also present before the Arbitrator when the order was passed on 08.04.2023 giving liberty to the applicant to move this Court under Section 27 of the Arbitration and Conciliation Act, 1996.

13. Having considered the arguments advanced by the learned counsel for the applicant and the learned counsel for the respondent, I am of the view the mandate of the learned Arbitrator has to be extended. Consequently, A.No.973 of 2024 is allowed.

14. As far as A.No.6455 of 2023 is concerned, it is pursuant to leave granted by the learned Arbitrator to approach this Court. As such there is no impediment in allowing this application as well. Consequently, the above application also stands allowed.

27.02.2024

kkd



WEB COPY



A.Nos.6455 of 2023 & 973 of 2024

C.SARAVANAN, J.

kkd

A.Nos.6455 of 2023
& 973 of 2024

27.02.2024