



A.No.6121 of 2024

P.B.BALAJI, J.

This Application has been filed for extension of mandate of the Arbitral Tribunal by three months.

2.Heard Mr.V.Suresh, learned counsel for M/s.Shivakumar and Suresh, for the Applicant and Mr.A.Satyaseelan and Mr.J.D.Srikanth Varma, learned counsel for the respondents.

3. The learned counsel for the Applicant would submit that since the time originally stipulated by the Court for completion of the Arbitration Proceedings was closed, a formal extension is necessary. Hence, this Application.

4. However, the learned counsel for the respondent has serious objection to the said Application being allowed. Firstly, the maintainability of the Application before the Arbitrator has already been extensively argued and the present Applicant projected himself as Sterling Holiday Resorts (India) Limited in the Section 11 Application as well as in the Claim Petition before the Arbitrator. However, now the Applicant is before this Court in the name of Sterling Holiday Resorts Limited. Therefore, this issue is at large before the Arbitrator.



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5. Secondly, he would submit that for the first time in the present Application, especially in the affidavit filed in support of the Application, the Applicant is trying to offer explanation regarding the change of name of the Applicant. He would therefore submit that in the event of any orders passed by this Court, extending the mandate of the Arbitral Tribunal, the Applicant should not take undue advantage of the averments set out in the present affidavit in support of the above Application.

6. It is made clear that the Arbitral Tribunal shall decide the issue of maintainability which is pending before it, without being influence by any of the averments set out in the affidavit filed in support of the present Application, in other words, while deciding the maintainability issue, the Arbitral Tribunal shall not refer to any of the averments set out in the present affidavit filed along with the Application seeking extension of time of the mandate of the Arbitral Tribunal by three months.

7. Accordingly, this Application is ordered and time is extended by three months for completion of the proceedings before the Arbitral Tribunal.

27.11.2024

rkp

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