



ARB-33-2024 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

284

ARB-33-2024 (O&M)
Date of Decision: 24.10.2024

Jaiprakash Associates

...Applicant

Versus

Municipal Corporation, Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

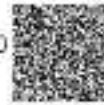
Present: - Mr. Vijay Kumar Jindal, Senior Advocate with
Mr. Akshay Jindal, Advocate,
Mr. R.V. Prabhat, Advocate and
Mr. Pankaj Gautam, Advocate for the applicant

Mr. Amit Jhanji, Senior Advocate with
Ms. Divya Sodhi, Advocate for the respondent

JAGMOHAN BANSAL, J. (Oral)

1. Through instant application under Section 29A of the Arbitration and Conciliation Act, 1996 (for short '**1996 Act**'), the applicant is seeking extension of mandate of Arbitrator.

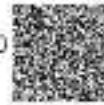
2. The applicant preferred an application under Section 11(6) of 1996 Act seeking appointment of an Arbitrator. By order dated 03.11.2020 of this Court, a Sole Arbitrator was appointed to adjudicate the dispute between the parties. Both the parties appeared before the Arbitrator and filed their claims/counter claims. The mandate of Arbitrator in terms of Section 29A of 1996 Act has expired on 28.08.2023.



3. Mr. Amit Jhanji, learned Senior counsel for the respondent opposing the prayer of the applicant submits that there is no sufficient cause to extend the time in term of section 29A(5) of 1996 Act. The applicant, one after another, filed application before the Arbitrator which resulted in termination of mandate of the Arbitrator. The Arbitrator, on more than one occasion, fixed the matter for final arguments and the applicant filed application seeking one or another relief. There was no application by the respondent and all the applications were filed by the applicant. A period of three years from the date of filing of original claim has passed away, thus, no extension should be granted.

4. From the perusal of interim orders passed by Arbitral Tribunal, it comes out that the applicant filed multiple applications seeking amendment of claim as well as production of documents. The respondent has taken over plant and machinery as well as records of the applicant. The Arbitral Tribunal has allowed all the applications even after fixing the matter for final arguments. This shows that it cannot be concluded that applicant had filed frivolous application. The Tribunal has even recorded the fact that there is no benefit to the applicant to delay the matter because it has lodged the claim.

5. In the wake of findings recorded by Arbitral Tribunal, I do not find that there was an intentional lapse or delay on the part of applicant. It cannot be concluded that there is no sufficient cause to extend the mandate of Arbitrator. If the mandate is not extended, the entire exercise carried out by the parties as well as Tribunal may become futile. In the interest of justice, it would not be just and fair to close the proceedings in the mid-way, thus, it is appropriate to extend mandate of Arbitrator for further period of six months



subject to the rider that no further extension shall be granted. Accordingly, the present application is allowed and the mandate of Arbitrator is extended for a period of 6 months from today.

6. Pending application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

24.10.2024
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No