

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

ARB-183-2024 (O&M)
Date of decision:-20.04.2024

PI Industries Limited

...Petitioner(s)

Versus

Ind-Swift Laboratories Limited and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA, ACTING CHIEF JUSTICE

Present:- Mr. Rohit Khanna, Advocate,
 Ms. Simran Sharma, Advocate,
 Mr. Siddharth Kohli, Advocate,
 for the petitioner.

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G.S. SANDHAWALIA, A.C.J. (ORAL)

1. The present petition has been filed under Section 29A of the Arbitration and Conciliation Act, 1996 (in short the Act) for extending the time for making the arbitral award in the arbitration proceedings between the parties in relation to the business transfer agreement dated 30.07.2021 (Annexure P-1). The Arbitral Tribunal is stated to be comprising of Justice A.K. Sikri, a former Judge of the Supreme Court of India; Justice Indu Malhotra, a former Judge of the Supreme Court of India and Justice V.K. Gupta, a former Chief Justice of the Jharkhand High Court.
2. Learned counsel for the petitioner has taken this Court through the order passed by the Arbitral Tribunal on 06.02.2024 (Annexure P-13). It is brought to the notice of this Court that initially the presiding arbitrator was Justice R.C. Lahoti, former Chief Justice of India, who unfortunately expired on 01.04.2022 and, therefore, the Arbitral Tribunal was re-constituted and is presided over by Justice A.K. Sikri, a former Judge of the Supreme Court of India. It is further pointed out that as per the order dated 06.02.2024 issues

have already been framed on 13.10.2022 and before the Arbitral Tribunal both the parties had stated that they would approach this Court for extending the mandate of the Tribunal. It has also been noticed by the Arbitral Tribunal that the parties were having settlement talks and amendment application was also filed. The following relevant paragraph 8 of the order would go on to show that both the parties had stated as such that they would be moving this Court:-

“8. The Parties state that they will be moving the Hon’ble High Court for extending the mandate of the Tribunal. Since the PODs/Issues have already been framed, the Tribunal has now to give time to the Parties to file affidavits of their witnesses and fix the dates of trial. Keeping in view that the Trial is yet to take place, the Parties shall seek extension of reasonable time for this purpose from the Hon’ble High Court.”

3. It is further pointed out that the respondent has filed an application bearing CIS No: ARB/146/2024 under Section 29-A of the Act before the Commercial Court, Chandigarh, wherein notice has been issued for 27.05.2024. The zimni order dated 08.02.2024 has been appended as Annexure P-14.

4. Keeping in view the above, I am of the considered opinion that service need not be effected upon the respondents as the respondents have also taken steps in compliance of the undertaking given before the Arbitral Tribunal.

5. Resultantly, the present petition is disposed of by extending the time for making the arbitral award in the arbitration proceedings till 31.12.2024.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

20.04.2024
Amodh Sharma

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