

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 341 OF 2024
WITH
ARBITRATION PETITION NO. 348 OF 2025
WITH
ARBITRATION PETITION NO. 354 OF 2025

Sulochana Shetty and ors .. Petitioners
Versus
Pusphpa Kishore Avarsekar & Ors .. Respondents
...

Adv. Akash Rebello a/w Adv. Buzin Somandy, Adv. Ariana Somandy a/w Adv. Nikita Joshi i/b Adv. Tejaswita Nalawade (Somandy) for the Petitioners in all petitions.
Adv. Sanjeev Punalekar for respondents in all petitions.

CORAM: BHARATI DANGRE, J.
DATED : 20th NOVEMBER 2025

P.C:-

Arbitration Petition No. 348 of 2025

1. Arbitration Petition filed under Section 29-A (5) of the Arbitration and Conciliation Act of 1996, seeks an extension of the mandate of the Arbitral Tribunal so as to enable it to pass the final award, in the wake of the reference already entered into in the year 2018.
2. On hearing the learned counsel for the petitioners as well as the respondents, and on perusal of various orders passed by

this Court from time to time, I have noted that upon the reference being entered, from time to time, the mandate of Sole Arbitrator came to be extended.

My attention is invited by Mr. Rebello to the minutes of meeting of the arbitration held on 15/06/2023, when the learned Arbitrator noted that the respondents and their advocates are absent, and they were even not present when the previous meeting was held i.e. on 17/04/2023.

Noting that the respondents have not communicated their response to the query which was specifically set out in the order dated 17/04/2023, and by focusing his attention on the communication received from the advocates for the claimants in that regard, he make a reference to the valuer's report, which was taken on record, and the parties were given liberty to file their submissions, if any, based upon the same.

The claimant made a specific statement that he do not want to make any further submissions, and the respondents did not file any response.

In light of the aforesaid, the Tribunal specifically recorded thus:-

“7. However, in case the Respondents do desire to make any further submissions, they must communicate their decision to the Tribunal within one week failing which, the Tribunal will proceed to draw-up of the Award on the basis that the Respondents have chosen not to make any further submissions.

8. The Claimants are directed to deposit the balance sum of Rs. 45,000/- towards Arbitrator fees,

9. The Respondents have not complied with the directions issued from time to time for payment of further fees of the Tribunal. For the meetings held upto date,

the balance outstanding due is in the sum of Rs. 7,15,000/- (as per the statement enclosed). The Respondents are directed to deposit the same within one week as per the Bank Account details mentioned below:-”

3. The learned Arbitrator also furnished the details as regards the amount of outstanding fees to be borne by the parties. Subsequent to the aforesaid meeting, on 11/07/2023, the Sole Arbitrator, addressed a communication to the petitioner/applicant informing that the respondents have not paid the share of their fees for a long time and therefore, the claimants were directed to pay the same under Section 38 (2) of the Act of 1996, subject to the decision of the tribunal on the aspect of award and cost in the final award to be passed.

The claimants were also directed to clear the arrears of the Arbitrator's fees in the sum of Rs. 45,000/-

4. The learned counsel Mr. Rebello, representing the petitioners is under instructions to make a statement that within a period of two weeks, the direction in the letter dated 11/07/2023, shall be complied with.

5. I have carefully gone through the minutes of meeting of the arbitral tribunal dated 15/06/2023, and it is evident that the proceedings are at the fag end, but for the Award, as the claimants have also refused to advance any further submission and the respondents have not bothered to appear and submit any say as regards the valuation report. The arbitral tribunal was all set to pass the Award, but for the hindrance that is expressed in

meeting dated 15/06/2023.

Since, Mr. Rebello, has undertaken to clear even this hindrance, I see no difficulty in the learned Arbitrator proceeding ahead and passing the final award.

Upon the compliance being ensured by the counsel for the petitioners/the claimants within a period of two weeks from today, the learned Arbitrator shall pass an award within a period of eight weeks thereof and his mandate as prayed stand extended by ten weeks from today.

Arbitration Petition No. 348 of 2025 is made absolute.

Arbitration Petition No. 341 of 2024 & Arbitration Petition No. 354 of 2025

6. Upon the aforesaid order being passed, Mr. Rebello do not press the said petitions, by reserving the liberty to seek appropriate relief sought therein once the Award is declared by the learned Arbitrator, and if it is deemed necessary to seek such reliefs.

Hence, Arbitration Petition No. 341 of 2024 and Arbitration Petition No.354 of 2025 stand disposed of.

(SMT. BHARATI DANGRE, J.)