
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION PETITION NO. 680 OF 2024

Rajshree Construction Consortium

...Petitioner

Versus

O K Prints & Pack

...Respondent

Appearance not received.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : MAY 6, 2025

PC :

1. This is Petition under Section 29-A of the Arbitration and Conciliation Act, 1996, seeking an extension of mandate of the Arbitral Tribunal, which was scheduled to expire on April 30, 2020.

2. Pleadings in the arbitral proceedings had been concluded on April 30, 2019. Expiry of one year fell well within the period during which the Supreme Court had suspended all timelines for limitation under Indian law including, in particular, the period referred to Section 29-A of the Act. The suspension of limitation period as directed by the Supreme Court was eventually lifted on February 28, 2022 with a further 90 day grace period. As of March 15, 2020 when the suspension

of limitation commenced, there was still a residual 45-day period left in the mandate of the arbitral tribunal. It is also common ground that the Respondent did not object for a further extension of six months. Consequently, adding such period of six months to the date after expiry of the extension by the Supreme Court, the mandate of the arbitral tribunal would have expired in November 2022.

3. Even if one were to take November 2022 as a period by which the extended period of six months came to an end, the list of dates filed by the Petitioner shows that on multiple occasions in 2022 the matter was listed and the Respondent sought time. The matter had been kept on April 28, 2022 for marking documents and then the multiple adjournments followed.

4. It is seen from the record that the parties appeared before the Learned Arbitral Tribunal on August 7, 2024 on which date it was stated that an Application under Section 29-A would be filed seeking extension of the mandate of the arbitral tribunal. The Respondent at that meeting submitted that he would take instructions and did not outright refuse. This Application was evidently affirmed immediately in August 2024 after the meeting with the arbitral tribunal.

5. I am also mindful of the fact that the Learned Arbitral Tribunal came to be appointed at the request of the Petitioner owing to opposition from the Respondent to adhere to the arbitration agreement. The Petitioner had to invoke the jurisdiction under Section 11 of the Act.

6. Having examined the record, in the circumstances, I am not inclined to hold that all the time invested in the proceedings be brought to an end. The approach under Section 29-A is not fatally hit by limitation as suggested by Learned Counsel for the Respondent. The gap between November 2022 and the time of filing of this Petition is indeed about two years. Equally, when the Learned Arbitrator convened on August 7, 2024, the Respondent did not outright express an objection for the extension, and instead sought time for taking instructions in this regard.

7. After the Petition was filed in 2024, it has remained pending on the docket of this Court for no fault of the Petitioner. In these circumstances, without further delay it would be appropriate to dispose of this Petition finally extending the mandate of the arbitral tribunal by a period of one year as sought.

8. Taking into account the stage at which the Arbitral proceedings are placed, this Petition is ***finally disposed of*** extending the mandate of the Arbitral Tribunal is extended for a period of ***one year*** i.e. until ***April 30, 2026***.

9. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]