



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAO) NO.710/2025
IN
MISC. CIVIL APPLICATION (ARBN). NO. 1124/2018

Vaibhav S/o Dhananjay Daware Vs. Yunuskhan s/o Salimkhan Pathan

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Aniket sawal, Adv. h/f Mr. H.R. Gadhia, Advocate for Applicant

CORAM: NIVEDITA P. MEHTA, J.

DATED : 16th DECEMBER, 2025

1. This Court, by order dated 04.12.2025, granted a final opportunity to the non-applicant to enter appearance. Despite the same, no one has appeared on behalf of the non-applicant even today. In these circumstances, the Court proceeds **ex parte** against the non-applicant.

2. The applicant has filed the present application under Section 29A of the Arbitration and Conciliation Act, 1996, seeking extension of time to conclude the arbitral proceedings. The initial statutory period of twelve months prescribed under Section 29A(1) of the Act expired on 26.03.2023; however, the arbitral proceedings remained inconclusive. Thereafter, this Court, in exercise of powers under Section 29A(4), vide order dated 05.12.2024, granted an extension of two months for completion of the arbitration

proceedings. Learned counsel for the applicant submits that the proceedings could not be concluded even within the extended period, *inter alia*, due to the parties exploring the possibility of an amicable settlement, which ultimately did not fructify. It is further submitted that the matter is now fixed for final hearing before the learned Arbitrator, and therefore a further extension of three months is sought.

3. While considering an application under Section 29A, the Court is required to examine whether sufficient cause is made out for granting extension and whether the delay in conclusion of the arbitral proceedings is attributable to the parties or is otherwise justified. The object of Section 29A is to ensure expeditious disposal of arbitral proceedings, while at the same time not defeating the arbitral process on account of technical lapses, provided the parties have acted *bona fide* and the delay is not deliberate or contumacious.

4. In the present case, it is evident that the arbitral proceedings have substantially progressed and are at the stage of final hearing. The delay cannot be attributed solely to any dilatory tactics on the part of the applicant. On the contrary, the record indicates that efforts were made to resolve the dispute amicably, which is also consistent with the spirit of the Arbitration and Conciliation Act, 1996. Termination of the mandate of the learned Arbitrator at this stage would result in avoidable multiplicity of proceedings

and further delay, defeating the very purpose of arbitration.

5. Having regard to the aforesaid legal position and the facts of the case, this Court is of the considered view that sufficient cause is made out for granting a further extension. Accordingly, in exercise of powers under Section 29A(4) of the Arbitration and Conciliation Act, 1996, a further extension of three months is granted to complete the arbitral proceedings, as a final opportunity.

The civil application is accordingly disposed of.

(NIVEDITA P. MEHTA, J.)

MP Deshpande