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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2025

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

A.No.467 of 2025

M/s.The Waterbase Limited,
rep. by its Authorised Signatory
M.Kumaravel

.. Applicant

VS

M/s.Wave Aquatic Private Limited,
rep. by its Directors

.. Respondent

ORDER

This application has been filed under Section 29A of the Arbitration and Conciliation Act seeking for extension of time for the Arbitral Tribunal to pronounce an Arbitral Award by another period of six months.

2.The respondent in this application has expressed bias on the part of the Arbitrator, while conducting the arbitration proceedings. He would also submit that no sufficient cause has been shown by the applicant for seeking extension of time under Section 29A of the Arbitration and Conciliation Act.



3.The following dates and events are required to be noted for adjudicating

this application:

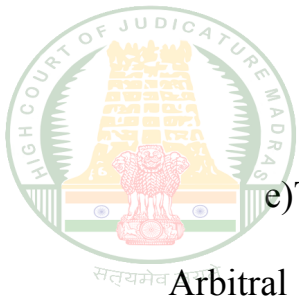
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a)Notice for preliminary hearing was fixed on 28.08.2021;

b)The pleadings were completed on 22.01.2022, where the Tribunal had forfeited the right of the respondent to file a statement of defence. According to the applicant, pursuant to the order passed by the Hon'ble Supreme Court in Suo Motu (C) No.3 of 2020, the limitation on account of Covid-19 pandemic was extended from 15.03.2020 till 28.02.2022. However, the respondent has disputed the said contention as seen from their counter filed before this Court;

c)Twelve months time period under Section 29A(1) of the Arbitration and Conciliation Act, 1996 for completion of arbitral proceedings got completed on 28.02.2023;

d)According to the applicant, since the respondent company was stuck off by the Registrar of Companies for non-filing of financials for three years, they were unable to take steps to extend the mandate of the Arbitral Tribunal. Consequent to the restoration of the status of the respondent company by an order dated 18.12.2023, the applicant filed an application in A.No.2012 of 2024 under Section 29A of the Arbitration and Conciliation Act seeking for extension of the mandate of the Arbitral Tribunal on 31.01.2024;



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e) This Court, by order dated 03.07.2024 extended the mandate of the Arbitral Tribunal by another period of six months from the date of receipt of a copy of the said order;

f) According to the applicant, the Arbitrator received the copy of the order on 18.07.2024 and six months of mandate granted by this Court on 03.07.2024 got expired on 17.01.2025;

g) This application under Section 29A of the Arbitration and Conciliation Act seeking for second extension of a further period of six months was filed before this Court on 23.01.2025.

4. As seen from the proceedings before the Arbitrator, the respondent has participated in the arbitration and infact, on 07.12.2024, only in the presence of the respondent, the Arbitrator had directed the respondent to complete the cross examination of the applicant's witness (CW1) on 21.12.2024 and to file the proof affidavit of RW1 by 14.12.2024. As seen from the proceedings before the Arbitrator, this Court does not find any negligence on the part of the applicant or the Arbitrator in proceeding with the arbitration.



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5. The contentions raised by the respondent in this application as seen from their counter cannot be agitated in this application filed under Section 29A of the Arbitration and Conciliation Act. The contentions are primarily alleging bias against the Arbitrator, who is adjudicating the dispute between the parties. All these contentions cannot be raised in this application filed under Section 29A of the Arbitration and Conciliation Act. If at all they can be raised only before the Arbitrator and in the event of an Arbitral Award being passed by the Arbitrator against the respondent, the respondent is at liberty to challenge the same by raising all these contentions that have been raised in the counter in the Section 34 petition to be filed by them.

6. In this application, this Court is only concerned with the extension of time for the Arbitrator to pronounce the Arbitral Award and if sufficient cause is shown, this Court will have to necessarily allow this application. Section 29A also does not prohibit filing of more than one application seeking for extension of time for the Arbitrator to pronounce the Arbitral Award. Since there is no prohibition and since sufficient cause has been shown by the applicant for seeking extension of the mandate of the Arbitrator, this Court is inclined to allow this application. Accordingly, this application is allowed as prayed for by granting extension of



time for the Arbitrator to pronounce the Arbitral Award within a period of six months from the date of receipt of a copy of this order.

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ABDUL QUDDHOSE,J.
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