



Appln Nos.644 & 647 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02-04-2025**

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

A No. 644 of 2025 and A.No.647 of 2025

M/s Dee-Tech Projects Pvt. Ltd.,
Rep. by its registered Managing Director
Mr.S.Sivaraman
Having registered office at No.129, 2nd Floor,
Aani Street, Chinmaya Nagar,
Chennai-600092.

..Applicant

Vs

1. M/s BATLIBOI ENVIRONMENTAL ENGINEERING LTD.,
Rep by its Divisional Manager Mr.Vilas M.Gharat Batliboi
House,25/26,Deonar Ancillary Industrial Estate,
Deonar, Govandi (w), Mumbai-400043
Presently at Having Registered office and
Corporate office at SPARTAN HOUSE,
15th Floor, Plot No.B/29,Road No.18/S,
Wagle Estate, Thane(w)-400604.

2. The Chief Executive Officer,
M/s BATLIBOI ENVIRONMENTAL ENGINEERING LTD.,
Rep by its Divisional Manager Mr.Vilas M.Gharat Batliboi
House,25/26,Deonar Ancillary Industrial Estate,
Deonar, Govandi (w), Mumbai-400043
Presently at. Having Registered office
and Corporate office at Spartan House,15th Floor, Plot No.B/29,
Road No.18/S,Wagle Estate,
Thane(w)-400604.

..Respondents

For Applicant: Mr.Umapathi

For Respondents: Mr. B. Sudarshan



Appln Nos.644 & 647 of 2025

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COMMON ORDER

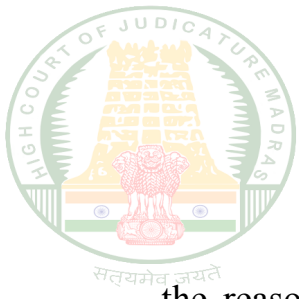
Application No.644/2025 has been filed seeking extension of time for the sole Arbitrator to pronounce the arbitral award by another period of six months. Application No.647/2025 has been filed under Section 27 of the Arbitration and Conciliation Act, 1996 seeking to summon the persons morefully described in the Schedule-I as witness before the Arbitral Tribunal.

2. Insofar as the extension application filed under Section 29A of the Arbitration and Conciliation Act, 1996 as referred to supra is concerned, this Court is satisfied with the reasons contained in the affidavit filed in support of the said application. The applicant has given the following reasons for seeking extension under Section 29A of the Arbitration and Conciliation Act, 1996.

(a) Due to the marriage of the applicant's Managing Director's daughter, there was a delay.

(b) Since another arbitration proceeding has been initiated by the applicant against a different party, there was some delay on the part of the applicant to participate in the arbitration.

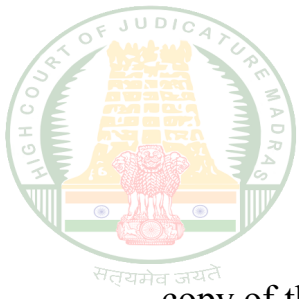
3. However, the respondents disputes those contentions. According to them, the applicant has been negligent in the arbitral proceedings and therefore,



Appln Nos.644 & 647 of 2025

the reasons given by the applicant for seeking extension will not amount to sufficient cause satisfying the requirements under Section 29A of the Arbitration and Conciliation Act, 1996.

4. Admittedly, the arbitration is in the recording of evidence stage. One of the witnesses of the applicant has already been examined and he has also been cross examined. The second witness of the applicant (CW2) is now being examined by the Arbitrator. The respondents will have to cross examine CW2 before the Arbitrator. The application filed under Section 29A of the Arbitration and Conciliation Act is the first application filed by the applicant. When the arbitration is in the final stage and that too, when the Arbitrator in his proceedings has not stated that there has been negligence on the part of the applicant in proceeding with the arbitration, this Court has to believe the statement made by the applicant in the affidavit filed in support of the application seeking for extension of time. Therefore, this Court is of the considered view that sufficient cause has been shown by the applicant for seeking extension of time. Accordingly, Application No.644 /2025 is allowed as prayed for by granting extension of time for the Arbitrator to pronounce the arbitral award by another period of six months from the date of receipt of a



Appln Nos.644 & 647 of 2025

copy of this order.

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5. Insofar as Application No.647/2025 is concerned which has been filed under Section 27 of the Arbitration and Conciliation Act, seeking for implementation of the order passed by the Arbitrator permitting to summon the the persons morefully described in the Schedule-I in the application is concerned, this Court has to necessarily allow the said application as well for the following reasons.

(a) Unless and until, the order passed by the Arbitrator is on the face of it erroneous and a glaring error has been committed, the question of interference of the Arbitrator's order under Section 27 of the Arbitration and Conciliation Act, 1996, does not arise.

(b) Since the witnesses sought to be examined by the applicant are officials of CMWSSB, there became a necessity for the applicant to file this application, since the contents of the document issued by the CMWSSB has been disputed by the respondents in the arbitration.

(c) Only the dates when the project got completed has to be established by the applicant in the arbitration. Since the dates have been disputed by the respondents, according to the applicant, there became a necessity for the



Appln Nos.644 & 647 of 2025

applicant to file this application seeking to summon the persons morefully described in the Schedule-I to the application.

(d) The Arbitrator, by his order dated 22.04.2024 has passed a detailed order considering the objections raised by the respondents with regard to the summoning of witnesses and only thereafter, has allowed the application filed by the applicant.

6. This Court does not find any glaring error on the part of the Arbitrator to pass the order dated 22.04.2024. Unless and until, there is a glaring error committed by the respondents, the question of not allowing this application under under section 27 of the Arbitration and Conciliation Act 1996, does not arise.

7. For the foregoing reasons, this Court is of the considered view that Application No.647/2025 has also got to be allowed. Accordingly, Application No.647 of 2025 is also allowed as prayed for.

02.04.2025

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Appln Nos.644 & 647 of 2025

ABDUL QUDDHOSE,J.

vsi

Appln Nos.644 & 647 of 2025

02.04.2025