

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3699 OF 2026

Kamal Gajendra Jaiswal

...Petitioner

Versus

Godavari Gangaram Pamnani and ors.

...Respondents

Mr. A. R. Gole, a/w Vishwali Botle, for the Petitioner.

Mr. J. S. Kini, a/w Aum Kini, i/b Suresh Dubey, for
Respondent Nos.1 and 2.

Mr. S. G. Mahamuni, for Respondent Nos.3 and 4.

SANTOSH
SUBHASH
KULKARNI

Digitally signed by
SANTOSH SUBHASH
KULKARNI
Date: 2026.04.07
14:59:06 +0530

CORAM: N. J. JAMADAR, J.
DATED: 2nd APRIL, 2026

Order:-

1. Heard Mr. Gole, the learned Counsel for the petitioner, and
Mr. Kini, the learned Counsel for respondent Nos.1 and 2.

2. By this petition under Article 227 of the Constitution of
India the petitioner – claimant in the arbitral proceeding before
the sole Arbitrator assails an order dated 13th February, 2026
passed by the learned District Judge, Thane, thereby extending
the mandate of the Arbitrator by a period of six months under
Section 29-A of the Arbitration and Conciliation Act, 1996.

3. Mr. Gole, the learned Counsel for the petitioner, submitted
that the petitioner is not averse to the extension of the mandate
of the Arbitrator. However, in the peculiar facts of the case, the

learned District Judge ought to have exercised the power under Section 29-A(b) of the Act, 1996 so as to substitute the Arbitrator as the petitioner has serious apprehension that the arbitral proceeding would not be decided in a fair and just manner.

4. Amplifying the submission, Mr. Gole would urge that, on 4th October, 2024, the learned Arbitrator had allowed an unknown lady to attend the arbitral proceeding inspect the original record and even discuss the matter pertaining to the arbitration in the presence of the learned Advocate for the claimant. On 4th October, 2024, itself, the claimant had filed an application seeking a direction to the respondents to reveal the identity of that lady and also the purpose for which the said lady attended the arbitral proceedings. That application was not decided. Subsequently, the said lady was examined as a witness for the opponent. Therefore, when the claimant has a genuine apprehension about the conduct of the Arbitrator and the fairness of the arbitral proceedings, the learned District Judge ought to have substituted the Arbitrator.

5. In opposition to this, Mr. Kini, the learned Counsel for the respondents, submitted that the petitioner has approached the Court with unclean hands. The learned Arbitrator had already

passed an order on the application dated 4th October, 2025 filed by the claimant and, yet, the petitioner has approached the Court with a case that no order was passed on the said application. Taking the Court through the progress of the arbitral proceedings thereafter, Mr. Kini submitted that when the arbitral proceeding was kept for final arguments after all the parties filed written submissions, the claimant filed a pursis that the mandate of the learned Arbitrator had expired and that necessitated the filing of the application for extension of the mandate of the Arbitrator under Section 29-A.

6. From the perusal of the record, it becomes evident that, the alleged loss of confidence stems from the incident that had allegedly occurred on 4th October, 2024. The subsequent conduct of the claimant indicates that the claimant did not take any precipitative action to agitate the issue of fairness of the procedure and the conduct of the learned Arbitrator but participated in the further proceedings without any demur. Witnesses were examined. Written submissions were filed on behalf of the parties. When the matter was posted for final arguments on 5th July, 2025, well past nine months of the alleged incident dated 4th October, 2024, the claimant filed the

pursis stating that the mandate of the learned Arbitrator had expired.

7. In the aforesaid backdrop, the view taken by the learned District Judge that the objection to the continuation of the mandate of the learned Arbitrator on the ground of perceived bias was unsustainable, cannot be faulted at. Secondly, the identity of that lady did not remain shrouded in mystery for long. Incontestibly, the said lady was examined as the witnesses for the opponents. Even at the time of the examination of the said lady, no objection seems to have been raised on behalf fo the petitioner on the ground that she had attended the proceeding at an earlier point in time. Thirdly, it is only when the issue of extension of the mandate of the Arbitrator arose, the petitioner made grievances touching upon the confidentiality and fairness of the arbitral process. Lastly, when the learned Arbitrator had concluded the trial in the arbitral proceeding and the matter was at the stage of hearing of the final arguments and the consequent award, the prayer for substituting the learned Arbitrator on the basis of an unfounded apprehension does not merit acceptance.

8. In any event, at the stage of extending the mandate under Section 29-A of the Act, 1996, grievance regarding the bias

cannot be entertained. The object of the provisions contained in Section 29-A of the Act, 1996 is to ensure the timely completion of arbitral proceeding while allowing courts the flexibility to grant extension when warranted. In the case of **Rohan Builders (India) Pvt. Ltd. V/s. Berger Paints India Limited**¹, the Supreme Court has expounded that the power under section 29-A(5) of the Act, 1996 to extend the time has to be exercised only in cases where there is sufficient cause for such extension. Such extension is not granted mechanically on filing of the application. The Court while adjudicating such extension application will be guided by the principle of sufficient cause.

9. In an application for extension of mandate of the Arbitrator under Section 29-A of the Act, 1996, there is no occasion for the court to delve into the question of the conduct of the Arbitrator, unless it touches upon the cause for the delay in the conclusion of the arbitral proceeding. In the case of **Anay Kumar Gupta V/s. Jagmeet Singh Bhatia**², a learned Single Judge of the Delhi High Court has enunciated that, the law is also well settled that the Court while considering an application under Section 29-A of the Act, is only concerned with the issue as to whether the Arbitrator has acted with expedition in the

1 (2025) 10 SCC 802

2 2023 SCC Online Del 3939

matter; issues relating to the conduct of the Arbitration and/or arbitral fees are not relevant for the purpose of Section 29-A. A similar view was expressed in the case of **Wadia Techno-Engineering Services Ltd. V/s. Director General of Married Accommodation Project and Anr.**³

10. Faced with the aforesaid position, Mr. Gole submitted that, liberty may be granted to the Petitioner to work out her remedies under Sections 12 and 13 of the Act, 1996.

11. Suffice to observe that, the Petitioner may avail the remedies as available in law and for that purpose, this Court's liberty is not warrant.

12. With the aforesaid clarification, the Writ Petition stands dismissed.

[N. J. JAMADAR, J.]