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**HIGH COURT OF GUJARAT**

**WESTERN TRADERS**

*Versus*

**SAMSUNG ENGINEERING COMPANY LIMITED**

**Date of Decision:** 04 September 2020

**Citation:** 2020 LawSuit(Guj) 336

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**Hon'ble Judges:** [Biren Vaishnav](#)

**Case Type:** Petition Under Arbitration Act

**Case No:** 4 of 2020

**Subject:** Arbitration, Civil

**Acts Referred:**

[Arbitration And Conciliation Act, 1996 Sec 16](#)

**Advocates:** [Kunal Vyas](#), [Nanavati Associates](#), [Dharmik R Barot](#), [Tarak Damani](#)

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**Biren Vaishnav, J.**

**[1]** Heard Mr.Kunal Vyas, learned advocate appearing for M/s.Nanavati Associates for the petitioner and Mr.Damani, learned counsel with Mr.Barot, learned advocate for the respondent through Video Conferencing.

**[2]** This is an application filed by the applicant / petitioner for extension of time for the Hon'ble Arbitral Tribunal to pass an award. By an order dated 23.2.2018, this Court recorded that in view of the consent of the learned advocates appearing on behalf of the respective parties, Hon'ble Shri Justice A.R. Dave (retired judge, Hon'ble Supreme Court of India) is appointed as sole arbitrator to resolve the dispute between the parties arising out of the contract in question. Hon'ble Shri A.R. Dave (retired Judge, Supreme Court of India) is seized of the arbitral proceedings.

**[3]** By way of the present application, a request is made for extension of the mandate for the Hon'ble Arbitral Tribunal for a period of one year.

**[4]** Mr.Damani, learned advocate appearing for the respondent places on record an application filed by the respondent - Samsung Engineering Company Limited. The

application u/S.16 of the Arbitration Act for adjudication of the competence of the tribunal on the question of jurisdiction.

**[5]** Perusal of the application would indicate that the stand of the respondent, the applicant of the application u/S.16 of the Act is that since the respondent Company is a Foreign Company, the Hon'ble Arbitral Tribunal will have no jurisdiction.

**[6]** Keeping open the issue of taking a decision on this application by the Hon'ble Arbitral Tribunal, time of the Hon'ble Arbitral Tribunal is **extended** for a period of **one year** subject to the decision i.e. rendered in an application u/S.16 of the Act filed by the respondent.

**[7]** This applicant stands disposed in above terms.

