



2026:KER:45803

O.P.(ATE)No.3 of 2026

1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE S.MANU

TUESDAY, THE 23<sup>RD</sup> DAY OF JUNE 2026 / 2ND ASHADHA, 1948

OP (ATE) NO. 3 OF 2026

AGAINST THE ORDER DATED 10.08.2022 IN AR NO.81 OF  
2022 OF HIGH COURT OF KERALA

PETITIONER/PETITIONER:

FRANCIS KOTTACKAL EXIM PVT LTD,  
AGED 67 YEARS  
HAVING ITS REGISTERED OFFICE AT DOOR NO. 6/321,  
KOTTACKAL HOUSE, MATOOR, KALADY, PIN - 683574K  
ERNAKULAM KERALA - THROUGH ITS DULY AUTHORISED  
SIGNATORY SHRI K.V.FRANCIS,

BY ADV SHAJU FRANCIS

RESPONDENTS/RESPONDENTS:

- 1 THE UNITED INDIA INSURANCE COMPANY LIMITED  
HAVING ITS BRANCH OFFICE AT K.G. TOWERS, FLOOR  
NO. 1 THRISSUR ROAD, ANGAMALY, ERNAKULAM, KERALA-  
683572 THROUGH ITS BRANCH MANAGER
- 2 THE UNITED INDIA INSURANCE COMPANY LIMITED  
REGIONAL OFFICE AT SHARANYA, FLOOR NO. - 1  
HOSPITAL ROAD, ERNAKULAM KERALA - 682011 THROUGH  
ITS REGIONAL MANAGER

SRI.P.K.MANOJKUMAR, SC, UNITED INDIA INSURANCE COMPANY

THIS OP (ARBITRATION TIME EXTENSION) HAVING COME  
UP FOR ADMISSION ON 23.06.2026, THE COURT ON THE SAME  
DAY DELIVERED THE FOLLOWING:



2026:KER:45803

O.P.(ATE)No.3 of 2026

2

**S.MANU, J.**

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O.P.(ATE).No.3 of 2026  
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Dated this the 23<sup>rd</sup> day of June, 2026

**JUDGMENT**

This is an application filed under Section 29A of the Arbitration and Conciliation Act for extension of the mandate of the arbitrator. In ICR (OP (ATE) No. 24 of 2025), the Division Bench of this Court held that applications under Section 29A are not liable to be entertained by this Court, even though the nomination of the arbitrator was done by this Court in exercise of the powers under Section 11 of the Arbitration and Conciliation Act 1996.

2. Hon'ble Supreme Court in **Jagdeep Chowgule v Sheela Chowgule & Others** [2026 SCC Online SC 124] considered the same issue and concluded that appropriate Court for entertaining an application under Section 29A is the Commercial Court.



2026:KER:45803

O.P.(ATE)No.3 of 2026

3

3. The learned counsel for the applicant submitted that the order passed by the Division Bench in OP (ATE) No. 26 of 2025 requires reconsideration for the reason that the applicability of Section 42 of the Arbitration and Conciliation Act, 1996 was not properly appreciated by the Division Bench. Further, the learned counsel submitted that the Division Bench ought not to have differed with the view expressed by another Division Bench in **M/s Lots Shipping Company Ltd. v. Cochin Port Trust Board of Trustees** [2020 (2) KLT 907].

4. Be that as it may, I am of the considered view that, in the light of the law laid down by the Hon'ble Supreme Court in **Jagdeep Chowgule** (supra), this Court cannot entertain an application filed under Section 29A of the Arbitration and Conciliation Act for extension of time to conclude the arbitration proceedings. Therefore, the O.P.(ATE) is rejected as not maintainable.

However, it is made clear that it will be open to the petitioner to move the appropriate Court for extension and in



2026:KER:45803

O.P.(ATE)No.3 of 2026

4

such an event, the appropriate Court will definitely consider the application and pass appropriate orders as expeditiously as possible.

Sd/-

**S.MANU  
JUDGE**

skj



2026:KER:45803

O.P.(ATE)No.3 of 2026

5

APPENDIX OF OP (ATE) NO. 3 OF 2026

PETITIONER'S EXHIBITS

Exhibit -P1	A COPY OF THE ORDER DATED 10/08/2022 IN AR NO.81/2022
Exhibit-P2	A COPY OF THE BOARD RESOLUTION DATED 01.02.2022
Exhibit-P3	A COPY OF THE ORDER/PROCEEDINGS DATED 13.12.2023 IN ARBITRATION PROCEEDINGS NO.3/2022 RECORDING THE FRAMING OF ISSUES
Exhibit-P4	A COPY OF MINUTES OF THE ARBITRATION PROCEEDINGS (IN ARBITRATION PROCEEDINGS NO.3/2022) DATED 08/01/2025
Exhibit-P5	A COPY OF MINUTES OF THE ARBITRATION PROCEEDINGS (IN ARBITRATION PROCEEDINGS NO.3/2022) DATED 18/03/2025
Exhibit-P6	A COPY OF MINUTES OF THE ARBITRATION PROCEEDINGS (IN ARBITRATION PROCEEDINGS NO.3/2022) DATED 01/10/2024
Exhibit-P7	A COPY OF MINUTES OF THE ARBITRATION PROCEEDINGS (IN ARBITRATION PROCEEDINGS NO.3/2022) DATED 29/04/2025