THE JURISDICTIONAL CONUNDRUM OF SECTION 29A: ANALYSING THE SUPREME COURT'S RESOLUTION AND THE PRINCIPLE OF MINIMAL INTERVENTION

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ABSTRACT

Section 29A of the Arbitration and Conciliation Act, 1996, was introduced by the Arbitration and Conciliation (Amendment) Act, 2015, to address chronic delays in Indian arbitral proceedings. By prescribing a twelve-month time limit for making an award in domestic arbitrations, extendable by consent and thereafter by court order, the provision marked a significant shift from the earlier model that emphasised party autonomy and minimal judicial intervention. While the reform sought to enhance efficiency and credibility, it generated interpretative and structural challenges, particularly concerning the meaning of "Court" under Section 29A(4). A central controversy emerged where arbitrators were appointed by High Courts under Section 11: whether applications for extension of mandate should lie before the appointing High Court or the principal civil court defined in Section 2(1)(e). This article examines the legislative background, doctrinal development, and judicial resolution of this controversy. Part II traces the evolution of Section 29A, including the changes introduced by the 2019 Amendment and its structural placement within Part I of the Act. Part III analyses the conflicting approaches adopted by various High Courts, highlighting the tension between purposive and textual interpretation. Part IV evaluates the Supreme Court's decision in Jagdeep Chowgule v. Sheela Chowgule & Ors., which clarified that jurisdiction under Section 29A(4) lies exclusively with the court defined in Section 2(1)(e). Part V critically assesses the implications of this ruling for judicial hierarchy, arbitral efficiency, and the principle of minimal intervention under Section 5. Part V situates the Indian framework within comparative practice, examining approaches in England, Singapore, France, and Switzerland. The article concludes that while the Supreme Court has resolved the immediate jurisdictional ambiguity, further legislative refinement is necessary to balance expedition, institutional capacity, and arbitral autonomy in India.

I. INTRODUCTION

India introduced Section 29A[1] through the Arbitration and Conciliation (Amendment) Act, 2015, to address persistent delays in arbitral proceedings. The provision prescribes a twelve-month time limit, calculated from the completion of pleadings, for the arbitral tribunal to render its award in domestic arbitrations. Under Section 29A(3), [2]the parties may extend this period by a further six months by mutual consent. Beyond this, Section 29A(4[3]) empowers the Court to grant an extension on a showing of sufficient cause. In doing so, the Court may impose costs and, under Section 29A(6)[4], substitute the arbitral tribunal where appropriate. For domestic arbitrations, the term "Court" is defined in Section 2(1)(e)[5] as the principal civil court of original jurisdiction. In international commercial arbitrations seated in India, it refers to the specified High Court exercising original jurisdiction.

A significant controversy arose where the arbitrator had been appointed by a High Court under Section 11(6)[6] of the Act. The question was whether an application for extension under Section 29A(4) should be filed before the appointing High Court or before the court defined in Section 2(1)(e). High Courts adopted divergent approaches. The Bombay, Calcutta, and Delhi High Courts held that the appointing High Court should retain jurisdiction to preserve supervisory coherence and judicial hierarchy. In contrast, other High Courts applied Section 2(1)(e) strictly and directed parties to approach the principal civil court, emphasising textual fidelity and uniformity.[7]

The Supreme Court resolved this conflict in *Jagdeep Chowgule v. Sheela Chowgule & Ors.*,[8] holding that applications under Section 29A(4) must be made exclusively before the court defined in Section 2(1)(e), irrespective of the authority that appointed the arbitrator. The Court prioritised the statutory definition of "Court" and declined to read an implied exception for Section 11 appointments.

[1] The Arbitration and Conciliation Act, 1996 (Act No 26 of 1996) s 29A
[2] The Arbitration and Conciliation Act, 1996 (Act No 26 of 1996) s 29A(3)
[3] The Arbitration and Conciliation Act, 1996 (Act No 26 of 1996) s 29A(4)
[4] The Arbitration and Conciliation Act, 1996 (Act No 26 of 1996) s 29A(6)
[5] The Arbitration and Conciliation Act, 1996 (Act No 26 of 1996) s 2(1)(e)
[6] The Arbitration and Conciliation Act, 1996 (Act No 26 of 1996) s 11(6)
[7] Ayush Mathur, 'Is the Time Mandated to Pass an Arbitral Award Not Mandatory Anymore?' (Kluwer Arbitration Blog, 30 September 2024) https://legalblogs.wolterskluwer.com/arbitration-blog/is-the-time-mandated-to-pass-an-arbitral-award-not-mandatory-anymore/ accessed 30 January 2026.
[8] *Jagdeep Chowgule v Sheela Chowgule & Ors.* (2026) INSC 92

This paper analyses the legislative background of Section 29A, the conflicting judicial interpretations, and the Supreme Court's resolution of the jurisdictional question. It argues that although the decision brings clarity and uniformity, it also raises broader concerns relating to judicial hierarchy, arbitral efficiency, and the principle of minimal judicial intervention under Section 5. Section II traces the legislative evolution of Section 29A. Section III examines the divergent High Court decisions. Section IV evaluates the Supreme Court's reasoning. Section V offers normative analysis and reform proposals. Section VI situates the Indian framework within comparative practice, particularly in England and Singapore. The paper concludes that further legislative refinement may be necessary to reconcile strict timelines with the foundational objectives of arbitration.

II. LEGISLATIVE EVOLUTION AND STRUCTURAL LOCATION OF SECTION 29A

The 246th Report of the Law Commission of India[9] identified the absence of statutory timelines as a significant weakness in the existing framework. Under the repealed Arbitration Act, 1940, parties could extend time for making an award by consent, often leading to prolonged proceedings.

The 1996 Act, which drew upon the UNCITRAL Model Law, deliberately avoided prescribing fixed deadlines to preserve party autonomy and minimise judicial intervention.[10] However, in practice, arbitrations frequently continued for several years, undermining their perceived efficiency when compared with court litigation. Section 29A sought to remedy this by introducing a twelve-month time limit for making an award in domestic arbitrations. Under the original 2015 framework, this period was calculated from the date on which the arbitral tribunal entered upon the reference and could be extended by a further six months with party consent under sub-section 3.

A. Changes Through the 2019 Amendment

Experience under the 2015 regime revealed practical difficulties. Tribunals often faced

[9] Law Commission of India, *246th Report on Amendments to Arbitration and Conciliation Act, 1996* (Report No 246, December 2014)

[10] Hasit B. Seth, 'Exploring the Use of UNCITRAL's Arbitration Rules and Materials in Indian Ad Hoc Arbitrations' (SCC Times Blog, 30 October 2021) https://www.scconline.com/blog/post/2021/10/30/exploring-the-use-of-uncitrals-arbitration-rules-and-materials-in-indian-ad-hoc-arbitrations/ accessed 1 February 2026

challenges in completing pleadings and procedural steps within twelve months of entering upon the reference. This resulted in frequent applications for extension and, in some cases, termination of mandates before substantive hearings were concluded.[11]

To address these concerns, the Arbitration and Conciliation (Amendment) Act, 2019 revised Section 29A(1) by shifting the starting point of the twelve months to the completion of pleadings under Section 23[12]. This provided additional time for the constitution of the tribunal and initial procedural arrangements. The amendment also clarified that, where an application for extension is filed under Section 29A(4), the mandate of the tribunal continues until the court disposes of the application. Subsection 5 empowers courts to reduce arbitrators' fees in cases of delay attributable to them, while Subsection 6 permits substitution of arbitrators. Importantly, subsection 9 excludes international commercial arbitrations from the strict statutory timeline, reflecting a preference for flexibility in such cases.

B. Structural Placement Within Part I:

Section 29A forms part of Part I of the 1996 Act, which governs arbitrations seated in India. Its placement alongside provisions relating to court assistance and post award remedies indicates that it is intended as a supervisory mechanism. The provision operates in conjunction with Section 2(1)(e), which defines "Court" as the principal civil court of original jurisdiction in a district, and includes High Courts exercising original civil jurisdiction in specified cases. Section 29A(4) uses this defined term without qualification, thereby linking the power to extend time to the court identified under Section 2(1)(e).

At the same time, Section 5 of the Act emphasises minimal judicial intervention. Section 29A creates a limited but significant departure from that principle by empowering courts to extend time, impose costs, reduce fees, and even terminate or substitute tribunals. This structural feature generated interpretative tensions, particularly when read with Section 11, which governs the appointment of arbitrators.

[11] Kartikey Bhatt and Tanish Arora, 'Resolving the Jurisdictional Conundrum: Unpacking Section 29-A of the Arbitration and Conciliation Act, 1996' (SCC Times Blog, 29 January 2026) https://www.scconline.com/blog/post/2026/01/29/resolving-jurisdictional-conundrum-section-29a-arbitration-conciliation-act/ accessed 1 February 2026

[12] The Arbitration and Conciliation Act, 1996 (Act No 26 of 1996) s 23

C. Interplay with Appointment and Termination Provisions

Section 29A must be understood in the context of Sections 11[13], 14[14], and 15[15] of the Act. Section 11 enables the High Courts or the Supreme Court, as the case may be, to appoint arbitrators where the agreed mechanism fails. Following the 2015 amendment, judicial scrutiny under Section 11 was confined largely to the existence of an arbitration agreement. Section 14 provides for termination of an arbitrator's mandate in specified circumstances, including inability to perform functions or failure to act without undue delay, while Section 15 governs substitution.

Under Section 29A(4), expiry of the prescribed period results in termination of the mandate unless extended by the court. This creates a direct connection between Section 29A and the termination provisions. The statutory text does not provide any exception for cases where the tribunal was appointed by a High Court under Section 11. This silence led to divergent interpretations by various High Courts, which differed on whether extension powers should remain with the appointing court or rest exclusively with the court defined in Section 2(1)(e).

D. Policy Objectives and Continuing Tensions

The introduction of Section 29A reflected a policy objective of making Indian arbitration more time-bound and credible. The Statement of Objects and Reasons of the 2015 Amendment emphasised expeditious disposal and reduction of delays. However, by introducing mandatory timelines backed by court supervision, the provision also increased judicial involvement in the arbitral process.

Unlike institutional rules such as those of the International Chamber of Commerce or the Singapore International Arbitration Centre, which provide indicative timelines with flexibility, Section 29A imposes a statutory deadline. While the 2019 amendment moderated some of the rigidity, it did not resolve questions concerning the scope of judicial control or the allocation of supervisory authority. These structural tensions ultimately required judicial clarification and shaped the subsequent doctrinal development surrounding Section 29A(4).

[13] The Arbitration and Conciliation Act, 1996 (Act No 26 of 1996) s 11
[14] The Arbitration and Conciliation Act, 1996 (Act No 26 of 1996) s 14
[15] The Arbitration and Conciliation Act, 1996 (Act No 26 of 1996) s 15

III. DOCTRINAL DEVELOPMENT: CONFLICTING HIGH COURT VIEWS

The High Courts adopted two sharply divergent approaches to determining which forum is competent to entertain applications under Section 29A(4) of the Arbitration and Conciliation Act, 1996. The central controversy was whether the High Court that appointed the arbitrator under Section 11 retains jurisdiction to extend the tribunal's mandate, or whether such applications must invariably be filed before the "Court" as defined in Section 2(1)(e), namely, the principal civil court of original jurisdiction (or the designated High Court in international commercial arbitration). These competing interpretations were grounded in differing conceptions of statutory construction, judicial hierarchy, and arbitral policy.

One line of authority, reflected in decisions of the Bombay[16], Calcutta[17], and Delhi High Courts[18], treated Section 29A as a logical continuation of the appointing court's supervisory role. According to this view, once a High Court exercises jurisdiction under Section 11 to constitute the arbitral tribunal, it assumes overarching control over the tribunal's mandate. Allowing a subordinate civil court to extend, modify, or terminate that mandate was seen as inconsistent with principles of judicial hierarchy and as creating fragmented oversight. These courts adopted a purposive interpretation, reasoning that the reference to "the Court" in Section 29A(4) should be understood in light of the court already seized of the arbitral process. Consolidated supervision, they argued, promotes efficiency, avoids forum shopping, and ensures coherence in commercial arbitration.

The opposing line of decisions adopted a strict textual approach[19]. Emphasising that the Act explicitly defines "Court" in Section 2(1)(e) without carving out exceptions for Section 11 appointments, these courts held that the High Court's role under Section 11 is limited and facilitative. It does not confer continuing supervisory authority. Jurisdiction under Section 29A(4), therefore, must be determined solely by the statutory definition, ensuring uniformity and fidelity to legislative design. Concerns regarding hierarchy or convenience were regarded as policy considerations that cannot override clear statutory language.

A related controversy concerned the timing of applications under Section 29A(4). While some courts required applications to be filed before expiry of the arbitral mandate, others adopted a

[16] *KIPL Vistacore Infra Projects JV v Municipal Corporation, Ichalkaranji* 2024 SCC OnLine Bom 327
[17] *Rohan Builders (India) (P) Ltd v Berger Paints India Ltd* 2023 SCC OnLine Cal 2645
[18] *DDA v Tara Chand Sumit Construction Co* 2020 SCC OnLine Del 2501
[19] *Dredging & Desiltation Co (P) Ltd v Paradip Port Trust* 2014 SCC OnLine Ori 439

more flexible approach. The Supreme Court ultimately clarified that courts may grant extensions even after the mandate has expired, provided sufficient cause is shown.[20] In doing so, it characterised the power under Section 29A(4) as remedial and discretionary, capable of retrospective operation, with costs and other conditions imposed where appropriate.

IV. THE SUPREME COURT'S RESOLUTION OF THE JURISDICTIONAL CONUNDRUM

In *Jagdeep Chowgule v. Sheela Chowgule & Ors.*, the arbitral tribunal failed to render an award within the prescribed time, and its mandate consequently expired. The arbitrator had been appointed by the High Court under Section 11 of the Arbitration and Conciliation Act, 1996. When a party sought extension under Section 29A(4), the High Court declined to entertain the application, holding that jurisdiction lay with the principal civil court of original jurisdiction. On appeal, the Supreme Court was called upon to resolve the recurring conflict: does "the Court" in Section 29A(4) invariably mean the court defined in Section 2(1)(e), irrespective of which forum appointed the arbitrator?

The Supreme Court answered this question in the affirmative. It held that applications under Section 29A(4) must be filed exclusively before the court defined in Section 2(1)(e), that is, the principal civil court of original jurisdiction in domestic arbitrations, and the specified High Court in international commercial arbitrations under Section 2(1)(e)(ii). The Court criticised earlier High Court decisions for artificially bifurcating jurisdiction based on the mode of appointment, instead of applying the statutory definition uniformly.

A. Reasoning: Text, Structure, and Policy

The Court's reasoning was anchored primarily in textual interpretation. Section 29A(4) empowers "the Court" to extend the arbitral mandate upon sufficient cause being shown. That expression, the Court held, must carry the meaning assigned in Section 2(1)(e). Since the statute contains no express exception for cases where the arbitrator was appointed under Section 11, importing such an exception would amount to judicial legislation. The Court emphasised that the 2015 Amendment deliberately narrowed the scope of Section 11 to a limited appointment function, thereby rejecting the notion of continuing supervisory authority in the appointing

[20] *Rohan Builders (India) Private Limited v Berger Paints India Limited* 2024 INSC 686

court.

Structurally, the Court located Section 29A within the broader supervisory framework of Part I of the Act. Powers under Sections 9, 14, 27, 34, and 37 are all tied to the "Court" as defined in Section 2(1)(e). Extension of mandate under Section 29A(4), the Court reasoned, is conceptually similar: it concerns procedural oversight of the tribunal's tenure rather than the constitution of the tribunal itself.[21] To allow the Section 11 court to retain extension jurisdiction would fragment the statutory scheme and create parallel supervisory tracks. The Court also distinguished Section 11(6A), which limits judicial scrutiny at the appointment stage, from the broader procedural oversight contemplated under Section 29A.

Policy considerations reinforced the textual and structural analysis. A uniform rule prevents forum shopping and eliminates jurisdictional inconsistencies across states. Channelling applications to the designated commercial courts aligns with the objectives of the 2015 and 2019 Amendments: efficiency, predictability, and minimal judicial intervention under Section 5. The Court further noted the practical reality of High Court docket congestion and observed that principal civil courts are institutionally positioned to address routine supervisory matters expeditiously.

B. Critical Evaluation

The judgment's principal strength lies in its clarity. By adopting a strict textual approach, the Supreme Court eliminates years of uncertainty and rejects a two-track system dependent on the mode of appointment. The decision enhances predictability, an essential attribute for positioning India as a credible arbitration jurisdiction.

However, concerns remain. The ruling sidesteps questions of judicial hierarchy. A subordinate commercial court may now extend or terminate the mandate of a tribunal appointed by a High Court, including in high-value disputes. While the Court dismissed such concerns as matters of legislative policy, the practical tension between hierarchical coherence and statutory uniformity persists.

[21] Rohit Patel, 'Not Orwell's "Big Brother": Supreme Court Clarifies Which Court Can Extend Arbitral Mandate Under Section 29-A' (SCC Times Blog, 6 February 2026) https://www.scconline.com/blog/post/2026/02/06/extension-arbitral-mandate-under-section-29-a-sc/ accessed 8 February 2026

The judgment also engages only briefly with the institutional evolution of Section 11 jurisprudence. The Perkins Eastman decision[22] has characterised Section 11 as a facilitative yet significant gateway function, particularly in complex commercial matters. High Courts often appoint specialised arbitrators in such disputes. Extension proceedings under Section 29A(4), which require evaluation of delay, complexity, and tribunal conduct, may indirectly revisit the performance of those appointees. The Court's strict compartmentalisation of appointment and supervision does not fully confront this functional overlap.

Finally, questions of institutional capacity remain salient. Principal civil courts and commercial courts face heavy caseloads and may lack the specialised arbitration experience found in certain High Court commercial divisions. Since Section 29A(4) demands nuanced assessment of "sufficient cause" and may involve cost sanctions or tribunal substitution, delays at this stage could undermine the very objective of time-bound arbitration.

V. COMPARATIVE ANALYSIS: FOREIGN JURISDICTIONS ON TIME LIMITS AND EXTENSION OF ARBITRAL MANDATE

Leading arbitration seats regulate tribunal timelines primarily through party autonomy and institutional rules rather than statutory deadlines such as India's Section 29A. This approach reduces court centred control and avoids jurisdictional disputes. England, Singapore, France, and Switzerland demonstrate how flexibility and unified supervision can achieve efficiency without rigid outer limits.

In England, the Arbitration Act 1996 does not prescribe any general time limit for rendering an award. Timelines are usually agreed by the parties, often through institutional rules such as those of the London Court of International Arbitration or the International Chamber of Commerce, which commonly contemplate awards within six to twelve months from the close of proceedings. Section 12[23] permits a court to extend an agreed time limit only where strict enforcement would cause substantial injustice. This is a high threshold that preserves party autonomy. Section 18[24] confers appointment powers on the High Court, and Section 79 [25]enables the same court to address related procedural matters. There is no institutional split between appointment and supervision. English courts intervene sparingly and treat time limits

[22] *Perkins Eastman Architects DPC v HSCC (India) Ltd* 2019 SCC OnLine SC 1517
[23] Arbitration Act 1996 (UK), ss 12
[24] Arbitration Act 1996 (UK), ss 18
[25] Arbitration Act 1996 (UK), ss 79

as contractual arrangements rather than mandatory statutory commands. In practice, awards are typically delivered within twelve to fifteen months, reflecting disciplined case management without heavy judicial oversight.

Singapore adopts a similarly unified structure under the International Arbitration Act.[26] There is no statutory outer limit for making an award. The rules of the Singapore International Arbitration Centre provide a presumptive six-month period from the close of proceedings, subject to extension by the tribunal or the SIAC Court.[27] The Singapore High Court performs supervisory functions, including matters relating to appointment and limited judicial review. Intervention is rare and generally confined to setting aside proceedings on narrow statutory grounds. Institutional management remains primary. SIAC statistics indicate that awards are rendered on average within approximately eleven months. Singapore also benefits from specialised judicial lists that handle arbitration matters with concentrated expertise, promoting consistency and efficiency.

Civil law jurisdictions further reinforce tribunal and institutional autonomy. In France, the Code of Civil Procedure requires arbitral tribunals to determine procedural timetables but does not impose a fixed outer deadline for awards.[28] Parties frequently rely on the rules of the International Chamber of Commerce, which envisage six months from the signing of the terms of reference, subject to extension by the ICC Court. Judicial intervention generally occurs after the award, particularly through annulment proceedings under Article 1520. The Paris Judicial Tribunal deals with arbitration-related matters in a coordinated manner, ensuring institutional coherence.

Switzerland follows a comparable approach under Chapter 12 of the Private International Law Act.[29] No statutory time limit governs the rendering of awards. Institutional rules, including those administered by the Swiss Chambers, structure timelines, and courts intervene only in limited circumstances, typically after the tribunal has declined relief and genuine hardship is demonstrated. Courts function as a safeguard rather than as active managers of the arbitral process.

These jurisdictions share several features that were absent in India prior to the recent

[26] International Arbitration Act ,Singapore, cap 143A, 31 December 2012 rev ed, s 24
[27] Singapore International Arbitration Centre, *SIAC Arbitration Rules* (7th edn, 1 April 2024) r 30
[28] Code de procédure civile (France), arts 1463, 1520
[29] Federal Act on Private International Law (Switzerland, 1 January 1989), ch 12

clarification. First, they do not impose mandatory statutory deadlines; institutional rules create presumptive timelines rather than strict cut offs. Second, supervisory authority is unified either in a single court or in a cohesive institutional framework, thereby reducing the risk of forum shopping. Third, judicial intervention is permitted only on demanding standards such as substantial injustice, hardship, or annulment grounds, which discourages routine procedural applications.

India introduced Section 29A to address significant delays, where arbitrations often extended for four to five years. However, the statutory deadline, coupled with court driven extensions, generated jurisdictional uncertainty and litigation over the competent forum. Comparative experience suggests alternative design choices. England's substantial injustice standard illustrates how a narrow extension test can preserve autonomy while providing a limited safety valve. Singapore demonstrates the benefits of specialised judicial benches operating within a unified supervisory structure. France and Switzerland highlight the value of institutional case management and post award review rather than pre award judicial control.

Although the Supreme Court's 2026 ruling has clarified that principal civil courts possess jurisdiction under Section 2(1)(e), the broader comparative lessons remain relevant. Principal civil courts in India may not always possess the specialised capacity or institutional support found in Singapore or England. A recalibrated approach could involve greater reliance on institutional timelines, concentration of jurisdiction in designated commercial divisions, and a more rigorous sufficient cause standard for extensions. Such reforms would better align India with global practice, where awards are commonly delivered within ten to fifteen months, while preserving party autonomy and reducing unnecessary judicial involvement.

In its present form, Section 29A reflects a strong commitment to expedition but also introduces an element of judicial management that differs from leading arbitration seats. Comparative models suggest that efficiency can be achieved not through rigid statutory control, but through structured autonomy supported by limited and carefully defined judicial intervention.

VI. KEY RECOMMENDATIONS

The Supreme Court's clarification of Section 29A(4) centralises the power to extend the arbitral mandate in the court defined under Section 2(1)(e). While this resolves the earlier jurisdictional conflict, it also brings into focus certain structural tensions within the Act. High Courts exercise

appointment powers under Section 11 and often constitute tribunals in complex and high-value disputes. However, supervision of timelines now rests with the principal civil courts. This separation between constituting and supervisory functions may result in fragmented oversight, particularly where local courts are required to assess the progress of proceedings initiated before specialised tribunals. In contrast, jurisdictions such as England and Singapore maintain unified supervisory control. Under the Arbitration Act 1996, the High Court addresses both appointment and extension-related matters, applying a strict standard of substantial injustice. Similarly, under the International Arbitration Act, supervisory jurisdiction lies with the High Court, supported by institutional mechanisms under the Singapore International Arbitration Centre. These systems demonstrate that unified supervision, combined with institutional support, can ensure efficiency without creating jurisdictional uncertainty.

In light of these comparative practices, certain reforms to Section 29A may be considered. First, a distinction could be introduced between ordinary domestic arbitrations and high value commercial disputes. For disputes above a specified monetary threshold and seated in major commercial centres, extension applications could be assigned to designated commercial divisions of High Courts. Other matters may continue before principal civil courts. Such an approach would retain the statutory primacy of Section 2(1)(e) while ensuring that complex arbitrations are supervised by courts with appropriate expertise. A calibrated allocation of jurisdiction may improve consistency without reintroducing fragmentation.

Second, procedural coordination may be strengthened. Where an arbitrator has been appointed by a High Court under Section 11, the court hearing a Section 29A(4) application could be required to notify the appointing court and invite observations within a fixed period. While such observations need not be binding, this mechanism would promote institutional dialogue and reduce concerns about inconsistent approaches. It would also preserve the integrity of the appointment process without altering the statutory scheme.

The design of time limits also merits reconsideration. Section 29A was introduced to address significant delays in arbitral proceedings, yet rigid statutory deadlines may create pressure that affects procedural fairness. A more structured standard for granting extensions could be adopted. Drawing from English practice, the test may require demonstration of serious prejudice if extension is refused, rather than relying solely on a broad notion of sufficient cause. Clearer guidance on relevant factors, such as complexity of evidence, conduct of parties, and

external impediments, would enhance predictability.

Institutional participation may further reduce the burden on courts. Recognised arbitral institutions could be authorised to grant limited initial extensions, subject to defined criteria. This would align Indian practice with jurisdictions where institutional bodies manage procedural timelines before judicial intervention becomes necessary. In the Indian context, institutions such as the India International Arbitration Centre could play a greater role in case management and training, thereby strengthening capacity at both institutional and judicial levels.

Additionally, the scope of judicial powers under Section 29A(5) and (6) may be clarified. Fee reductions or substitution of arbitrators should be exercised only in clearly defined circumstances, such as proven misconduct, incapacity, or persistent and unjustified delay. Overbroad discretion in these matters risks undermining tribunal independence and may conflict with the principle of minimal judicial intervention embodied in Section 5 of the Act. Comparative practice indicates that courts generally intervene sparingly in such procedural matters and leave issues of discipline primarily to party agreement or institutional rules.

Finally, procedural efficiency can be improved by prescribing timelines for disposal of Section 29A(4) applications and encouraging the use of commercial court procedures, including virtual hearings and standardised orders. Judicial training and specialised benches would also enhance consistency and expertise across jurisdictions.

VII. CONCLUSION

Section 29A was introduced to address persistent delays in Indian arbitration and to strengthen India's position as an efficient arbitral seat. By imposing a statutory time limit for rendering awards, the legislature sought to correct a practical weakness in the Arbitration and Conciliation Act, 1996. However, the mechanism adopted created interpretative and structural challenges, particularly concerning the meaning of "Court" under Section 29A(4) and its relationship with Section 11 appointments.

The divergence among High Courts reflected deeper tensions between textual interpretation, judicial hierarchy, and arbitration policy. Some courts prioritised institutional coherence by vesting extension powers in the appointing High Court, while others adhered strictly to the

definition contained in Section 2(1)(e). The Supreme Court's decision in *Jagdeep Chowgule v. Sheela Chowgule & Ors.* has now settled the jurisdictional issue by affirming that applications under Section 29A(4) must be filed before the court defined in Section 2(1)(e), irrespective of the authority that appointed the arbitrator. This ruling restores textual clarity and promotes uniformity across jurisdictions.

At the same time, the judgment brings into focus broader structural concerns. The separation between constituting and supervisory functions, the capacity of principal civil courts to handle complex commercial arbitrations, and the intrusive powers under Section 29A(5) and (6) raise questions about the balance between expedition and autonomy. Comparative analysis of jurisdictions such as England, Singapore, France, and Switzerland demonstrates that efficiency is often achieved through institutional management and unified supervision rather than rigid statutory deadlines. These systems rely on limited judicial intervention and high thresholds for extension, thereby preserving tribunal independence.

The article has argued that while the Supreme Court's interpretation resolves the immediate ambiguity, further legislative refinement may be necessary. Clarifying extension standards, strengthening institutional participation, concentrating complex matters in specialised divisions, and limiting intrusive supervisory powers would better harmonise Section 29A with the principle of minimal judicial intervention under Section 5.

In its present form, Section 29A reflects a strong commitment to timely dispute resolution but also introduces an element of court driven control that differs from leading arbitration regimes. A calibrated reform approach, informed by comparative practice, would allow India to retain the benefits of time bound arbitration while reinforcing party autonomy and institutional efficiency. Such balance is essential if India seeks not only procedural certainty but also sustained credibility as a competitive and reliable arbitration jurisdiction.