

Court No. - 9

Case :- CIVIL MISC. ARBITRATION APPLICATION No. - 11 of 2023

Applicant :- Spml Infra Ltd.

Opposite Party :- Dakshinanchal Vidyut Vitran Nigam Ltd.

Counsel for Applicant :- Ujjawal Satsangi

Counsel for Opposite Party :- Baleshwar Chaturvedi

Hon'ble Rohit Ranjan Agarwal,J.

Heard Sri Ujjawal Satsangi, learned counsel for the applicant and Sri Baleshwar Chaturvedi, learned counsel for the opposite party.

This application has been filed under Section 29-A(4) of the Arbitration and Conciliation Act, 1996 for extending mandate of the Arbitrator, which has come to an end.

Brief facts of the case are that the applicant/claimant is a public limited company incorporated under the provisions of Companies Act, while the opposite party is a Government undertaking carrying on business of supply and distribution of electricity in the State of Uttar Pradesh specially in districts Mainpuri and Firozabad.

A bid was invited by the opposite party on 17.05.2005 for undertaking the Accelerated Rural Electrification Programme (AREP) in districts Mainpuri and Firozabad.

Pursuant to the said bid, the claimant/applicant applied and his bid was accepted. An agreement was executed between the parties in the year 2005, subsequently a dispute arose which led to the filing of an application under Section 11 (4) of the Arbitration and Conciliation Act, 1996 (*hereinafter called as 'Act of 1996'*).

This Court, on 10.08.2017, appointed one Mr. Justice Vimlesh Kumar Shukla, Retired Judge of this Court as the sole Arbitrator. The consent of Arbitrator was given on 09.10.2017. The Arbitral Tribunal, thereafter, commenced the arbitral proceedings on 23.11.2017 and the period of one year ended on 22.11.2018. Again the term of the Arbitrator was extended on 18.01.2019 for a period of six months.

As the arbitral proceedings could not be completed during the said period, an application for extension for period was moved before the Commercial Court, Agra by order dated 16.11.2019 and the term of the Arbitrator was again extended for a period of six months.

The arbitral proceedings, despite the extension of time, granted by the Commercial Court, Agra could not be completed and as such, the parties again approached the Commercial Court for extending the mandate of the Arbitral Tribunal. The said application for extension of time was rejected on 12.07.2023 on the ground that it did not have the jurisdiction to extend the mandate of the Arbitrator in terms of Section 29-A (4) of the Act.

I have heard Sri Ujjawal Satsangi, learned counsel for the applicant and Sri Baleshwar Chaturvedi, learned counsel appearing for opposite party.

Sri Chaturvedi, learned counsel for the opposite party, at the very outset, states that he has no objections in case, the application is allowed and the term of the Arbitral Tribunal is further extended.

After hearing counsel for the parties and from perusal of the material on record, this Court finds that as there is no contest

from the side opposite and the Arbitral Tribunal has not concluded the arbitration proceedings, the mandate of the Arbitral Tribunal is further extended for a period of six months invoking the provisions of Section 29-A (4) of the Act 1996.

Application stands **allowed**.

Order Date :- 18.10.2023

SK Goswami