

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Arb P No. 74/2024

.... Petitioner/Appellant(s)

M/S Chandra Constructions
Regd. Office Sec.-4, Shop No. 6
Railway Road, Nanak Nagar,
Jammu-180004 (J&K)
Through its partner-R.S. Goel,
age 74 years

Through:- Mr. Dheeraj Sharma, Advocate.

V/s

.....Respondent(s)

Union of India
Through Chief Engineer,
Military Engineer Services,
Udhampur Zone
PO: Garhi,
Udhampur-182121

Through:- Mr. Vishal Sharma, DSGI.

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE
ORDER

25.08.2025

01. The present petition has been filed by the petitioner seeking extension of time for passing the final Arbitral Award for a further period of six months.

02. It is submitted that a contract agreement bearing No. CEUZ/UDH/09/2014-15 for "*Completion of Incomplete Work of OTM Accn for Engr. Works Sec at Bhaderwah*" was entered into between the President of India, represented by Chief Engineer Udhampur Zone, and the petitioner on 24.06.2014. However, during the subsistence of the contract, certain disputes arose between the parties, whereupon the

Engineer-in-Chief, IHQ of MOD (Army), New Delhi appointed Sh. Satish Chander, Addl. Director General (Contracts), MES (Retired), as Sole Arbitrator, vide communication dated 28.06.2022. The learned Arbitrator entered upon reference on 04.07.2022 and directed the parties to file their respective claims.

03. It is further submitted that, upon the request of the claimant, the time to file the statement of claims was extended by the learned Arbitrator vide order dated 14.01.2023, whereafter the claimant filed its statement of claim on 20.03.2023. The respondents sought repeated adjournments to file their statement of defence and eventually filed the same only in August 2023, to which the claimant filed its rejoinder. Thereafter, the matter was fixed for hearing. However, even during the course of hearings, repeated adjournments were sought on behalf of the respondents, which consumed considerable time and prevented the learned Arbitrator from concluding the proceedings within the statutory period of twelve months as envisaged under Section 29A(1) of the Arbitration and Conciliation Act, 1996, as also within the earlier extended period of six months, consensually by the parties.

04. It is also submitted that despite the learned Arbitrator affording numerous opportunities, the matter could not be concluded due to the defaults of the respondents. Accordingly, the time prescribed under Section 29A of the Act expired, thereby terminating the mandate of the learned Arbitrator. The next date of hearing before the learned Arbitrator was fixed on 30th and 31st July, 2024, and therefore, in order to enable the

Arbitrator to proceed further and pronounce the Award, the present petition has been filed seeking extension of time.

05. Despite notice issued on 09.08.2024 to the respondents which was waived by Mr. Vishal Sharma, learned DSGI on behalf of the respondents, objections have not been filed till today, which shows that the respondents have no serious objection in allowing this application.

06. For the reasons stated in this petition, coupled with the submissions made by learned counsel for the petitioner at the Bar, and in view of no serious objection from the other side, the present petition is allowed. A further period of six months from the date of this order is granted for conclusion of the arbitral proceedings and for pronouncement of award by the sole Arbitrator, namely, Sh. Satish Chander, Addl. Director General (Contracts), MES (Retired). Interregnum period shall also stand regularized. A copy of this order be supplied to the learned Arbitrator for information and necessary compliance.

07. The petition stands **disposed** of accordingly.

(M A Chowdhary)
Judge

Jammu:

25.08.2025

Madan Verma/Secy.