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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **O.M.P. (T) (COMM.) 37/2017**

KARTIKE ENTERPRISES

..... Petitioner

Through: Mr S. S. Kulshrestha, Senior Advocate
with Mr A. K. Bhera and Mr Anil
Kumar Singh, Advocates.

versus

**DELHI JAL BOARD THROUGH ITS CHIEF
EXECUTIVE OFFICER**

..... Respondent

Through: Mr Anurag Sharma and Ms Ruchira
Gupta, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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12.05.2017

IA No.5841/2017

1. Allowed, subject to all just exceptions.

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2. The petitioner has filed the present petition under Section 14 & 15 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying that the mandate of the arbitrator be terminated as more than 18 months have expired since the date of reference.

3. The present petition is predicated on the provisions of Section 29A of the Act, which mandate that the award would be made within a period of 12 months from the date the Arbitral Tribunal enters upon reference. However, it is seen that the arbitral proceedings had commenced prior to the

Arbitration and Conciliation (Amendment) Act, 2015 coming into force and, therefore, by virtue of Section 26 of the Amendment Act, the provisions of Section 29A of the Act are wholly inapplicable to the arbitral proceedings in question.

4. The learned senior counsel appearing for the petitioner has drawn the attention of this Court to the explanation to Section 29A of the Act. He earnestly contended that in terms of the said explanation, the date of the arbitrator entering upon reference would be relevant for determining the applicability of Section 29A of the Act. The said contention is inconsiderable and as stated above, the provisions of Section 29A of the Act are not applicable to the arbitration proceedings in question.

5. It is also contended on behalf of the petitioner that the arbitrator is holding the post of the Chairman of the State Accountability Commission and, therefore, may not be able to devote the necessary time for completion of the arbitral proceedings in an expeditious manner. He contended that, therefore, in terms of Section 14(1) of the Act the mandate of the arbitrator may be declared as terminated.

6. It is seen that although the arbitral tribunal commenced proceedings in the later part of 2015, no significant progress has been made and the matter is still at the stage of recording of evidence. However, this is also not a case where it can be concluded that the arbitrator has failed to act without undue delay.

7. The present petition is thus disposed of with the observations that it is expected that the Arbitral Tribunal shall complete the proceedings as expeditiously as possible and preferably within a period of six months from today failing which the petitioner would be at liberty to move this Court

under Section 14 of the Act.

MAY 12, 2017
MK

VIBHU BAKHRU, J