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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ O.M.P.(MISC.)(COMM.) 5/2017  
CARLSBERG INDIA PRIVATE LIMITED ..... Decree Holder  
Through Mr. Arjun Pall, Adv.

versus

S R BREWERIES PRIVATE LIMITED ..... Judgement Debtor  
Through

**CORAM:**  
**HON'BLE MR. JUSTICE JAYANT NATH**

% **ORDER**  
**28.07.2017**

1. The present petition is filed under Section 29A (3) and 29A (4) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the Act) seeking extension of time beyond the period of 12 months prescribed under Section 29A(3) of the Act for making an award by a period of 3 months.
2. It is the case of the petitioner that the disputes having arisen between the parties, the petitioner had filed a petition under Section 11 of the Act. That petition was disposed of on 01.04.2016 whereby this court accepted the nomination of Mr. Justice Manmohan Sarin (Retd.) as the sole Arbitrator, after the parties consented to the appointment of the sole arbitrator in place of a Tribunal of three arbitrators. It is further pointed out that on 21.12.2016, the Tribunal proceeded ex parte against the respondent as they stopped appearing before the Tribunal. Hence, it is urged that as the respondent are ex parte, the petitioner are unable to take the consent of the respondent for extension of time in terms of Section 29A (3) of the Act.

3. It is further stated in the application that the delay in completion took place on account of non-availability of early dates with the Delhi International Arbitration Centre (DIAC). Accordingly, on an application jointly filed by the parties, on 25.05.2016 this court was pleased to modify the order and permitted the parties to proceed with ad hoc arbitration instead of arbitration under the aegis of DIAC.
4. A notice was sent to the respondent. The service report is that they have left the address.
5. Keeping in view the fact that the respondent were ex parte before the learned Arbitrator and they appear to have moved from their noted address, in the interest of justice, the present petition can be disposed of.
6. At this stage, the learned counsel for the petitioner points out that the learned Arbitrator has already given his Award on 12.05.2017.
7. In view of the above, in terms of Section 29A (4) of the Act, the period for making the award is extended up to 12.05.2017.
8. The petition stands disposed of.

**JAYANT NATH, J**

**JULY 28, 2017**  
**rb/rk**