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

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Judgment delivered on: 27.09.2017

+ O.M.P.(MISC.)(COMM.) 32/2017

INTERNATIONAL TRENCHING PVT. LTD. Decree Holder

versus

POWER GRID CORPORATION OF INDIA LTD.

..... Judgement Debtor

Advocates who appeared in this case:

For the Petitioner : Mr. Atul Kumar, Advocate.

For the Respondent : Mr. S.B. Upadhyay, Sr. Advocate with Ms. Anisha Upadhyay and Mr. Nishant Kumar, Advocates.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

27.09.2017

SANJEEV SACHDEVA, J. (ORAL)

IA No.11524/2017 (exemption)

Exemption is allowed subject to all just exceptions.

O.M.P.(MISC.)(COMM.) 32/2017

1. This is a petition under Section 29A of the Arbitration & Conciliation Act seeking extension of time for making the arbitral award.

2. In the arbitral proceedings, Mr. Justice (Retd.) S.K. Mahajan

was appointed as the Presiding Arbitrator. The Reference was entered into by the Tribunal on 18.04.2016. The Presiding Arbitrator expired on 23.09.2016 and thereafter the present Arbitral Tribunal was constituted on 05.12.2016.

3. The statutory period calculated from the date of initially entering into the Reference expired on 18.04.2017. With the consent of the parties, the time for making the award was extended for a period of six months.

4. The Arbitral Tribunal has noticed that the dispute arises out of an engineering contract and the documents, referred to by the parties, spread over several volumes.

5. It is contended by the learned counsel for the parties that the proceedings could not be concluded within the statutory period on account of demise of the Presiding Arbitrator and the delay that occurred in reconstituting the Tribunal and secondly, on account of the very nature of the disputes between the parties, which are technical and involves several volumes of documents.

6. Learned counsel for the parties submit that the delay has not occurred on account of any reason attributable to the Arbitral Tribunal and the parties have also been diligently prosecuting their respective cases.

7. Learned counsel for the parties further submit that a further

period of six months would be required for the conclusion of the proceedings and for making the award.

8. In view of the peculiar facts, as noted above, the time for making the award is extended by a further period of six months. The Tribunal is requested to make the award within the extended period.

9. The petition is, accordingly, allowed in the above terms.

SEPTEMBER 27, 2017
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SANJEEV SACHDEVA, J

