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

+ O.M.P.(MISC.)(COMM.) 13/2018

TN(DK) EXPRESSWAYS LTD. .... Decree Holder

Through: Mr Jayant Bhushan, Sr. Advocate  
with Mr Suryadeep Singh, Advocate.

versus

NATIONAL HIGHWAYS AUTHORITY OF  
INDIA

..... Judgement Debtor

Through: Ms Pinky Anand, ASG with Mr Alok  
Kumar Jain, Mr Sumit Teterwal and  
Ms Saudamini Sharma, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

% **22.05.2018**

**IA No.6370/2018**

1. For the reasons stated in the application, the delay in filing is condoned.

2. The application is disposed of.

**O.M.P.(MISC.)(COMM.) 13/2018**

3. The applicant has filed the present petition under Section 29A of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), inter alia, praying as under:-

“A. Revive the mandate of the Arbitral Tribunal comprising of Hon'ble Mr. Justice Dilip Kumar Seth (Retd.) as the Presiding Arbitrator and Hon'ble Mr. Justice K.C. Bhanu (Retd.) and Sh. Shri B.K. Biswas as co-arbitrators to adjudicate over the disputes between the parties herein;

B. Extend the time period for completing the arbitration proceedings and passing the arbitral award under Sub-

clauses (4) and (5) of Section 29-A of the Arbitration and Conciliation Act, 1996 by one year and accordingly.”

4. The Arbitral Tribunal was constituted on 02.01.2017 and the time for making the award expired on 01.01.2018. It is seen that during the said period, the Arbitral Tribunal held twelve hearings. It is also seen that the considerable time was spent by the Arbitral Tribunal in hearing the applications filed by the respondent (NHAI) under Section 16 of the Act.

5. Ms Anand, learned ASG appearing for NHAI contends that the delay in completion of the arbitral proceedings is also on account of the petitioner seeking an amendment of its claim at a belated stage and further failing to file an affidavit of evidence with the time as directed by the Arbitral Tribunal.

6. It is apparent from the above that the delay in completion of the arbitral proceedings cannot be attributed to the Arbitral Tribunal. The Arbitral Tribunal has, undoubtedly acted with due despatch.

7. In the aforesaid circumstances, the petition is allowed and the time for making the award is extended by a further period of six months from today, that is, till 22.11.2018. It is expected that the Arbitral Tribunal will complete the proceedings within the said period and would not entertain any request for further adjournments.

8. Order *dasti*.

**VIBHU BAKHRU, J**

**MAY 22, 20181**

**MK**