

\$~33

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

+ **O.M.P.(MISC.)(COMM.) 45/2018**

HEIDELBERG CEMENT INDIA LTD Decree Holder

Through: Mr Ajay Goyal and Ms Udit
Malviya, Advocates.

versus

INDURE PVT. LTD Judgement Debtor

Through: Mr Gaurav Malik, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **04.04.2018**

IA No.4350/2018

1. Allowed, subject to all just exceptions.

O.M.P.(MISC.)(COMM.) 45/2018

2. The petitioner has filed the present petition under Section 29A of the Arbitration and Conciliation Act, 1996, *inter alia*, praying that the time for making the award be extended for a further period of six months from 17.02.2018.

3. The procedural orders placed on record indicate that the arbitral proceedings are at the stage of final arguments. The final arguments on behalf of the petitioner have been concluded and the counsel for the respondent are now required to commence arguments on its behalf.

4. The learned counsel appearing for the respondent states that the respondent has no objection for extension of further time. He, however,

submits that the he is being led by Mr Ciccu Mukhopadhaya, learned Senior Counsel, who is currently indisposed and, therefore, the respondent may have to seek an adjournment before the Arbitral Tribunal. He submits that in the circumstances, the time for making the award be extended for a further period of eight months instead of six months, as requested by the petitioner.

5. In view of the consensus between the parties and considering that the arbitral proceedings are at the stage of final arguments, the time for making the arbitral award is extended for a period of eight months from 17.02.2018; that is, upto 16.10.2018.

6. Although, time for making the award has been extended for a further period of two months at the request of the respondent, it is clarified that the same does not imply that the Arbitral Tribunal is required to accede to any request for adjournment. Needless to state, the question whether the proceedings need to be deferred lies squarely within the discretion of the Arbitral Tribunal. The time for making the award has been extended by a further period of two months in order that the Arbitral Tribunal does not feel constrained to refuse adjournments.

7. The petition is disposed of in the above terms.

VIBHU BAKHRU, J

APRIL 04, 2018
MK