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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(MISC.)(COMM.) 70/2018
RAIL VIKAS NIGAM LTD. Petitioner
Through: Mr.Udit Seth, Adv.

versus

SEW-ETF-AIL (JV) Respondent
Through: Mr.S.K. Chandwani & Mr.Sameer
Chandwani, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

% **ORDER**
29.10.2018

1. This petition under Section 29A of the Arbitration and Conciliation Act, 1996 has been filed by the petitioner seeking extension of time for passing of the Arbitral Award by the Arbitral Tribunal adjudicating the disputes that have arisen between the parties.
2. The respondent has filed its objections to the grant of extension of time primarily contending that the Arbitral Tribunal has not been properly constituted inasmuch as the Presiding Arbitrator was not appointed in accordance with the Arbitration Agreement.
3. The petitioner has filed an additional affidavit enclosing therewith exchange of letters/e-mails by which the Arbitral Tribunal was duly constituted, including the appointment of the Presiding Arbitrator. In view of the said affidavit I see no force in the contention raised by the respondent in this regard.

4. The respondent has further contended that the fee demanded by the Arbitral Tribunal is exorbitant and contrary to the Agreement. The counsel for the respondent submits that the respondent has filed an application in this regard before the Arbitral Tribunal which is pending consideration. The counsel for the respondent submits that certain other objections to the Arbitral Tribunal have also been taken in the said application. All these contentions shall be considered by the Arbitral Tribunal on their own merit. The respondent is entitled to raise such contentions before the Arbitral Tribunal itself. As far as the present petition is concerned, I see no reason for not extending the time for making of the Award by the Arbitral Tribunal.
5. The respondent has also raised grievance with respect to the delay in the adjudication of the claims by the Arbitral Tribunal. The learned counsel for the petitioner refutes the same by submitting that it was the respondent who requested for amendment of its Statement of Claims on more than one occasion and was only much later represented through a counsel. There was also a dispute regarding proper representation of the respondent, which caused some delay before the Arbitral Tribunal. This could not be refuted by the learned counsel for the respondent.
6. In view of the submissions made, I extend the period for making of the Award by the Arbitral Tribunal by a further period of six months from today. It is hoped that the Arbitral Tribunal would act expeditiously in the adjudication of the disputes that have arisen between the parties and the parties shall also refrain from seeking

any unnecessary adjournment before the Arbitral Tribunal.

7. The petition is allowed in the above terms and with no order as to cost.

NAVIN CHAWLA, J

OCTOBER 29, 2018/*rv*