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

+ O.M.P.(MISC.)(COMM.) 94/2018

SAMSUNG INDIA ELECTRONICS PVT.
LTD

..... Decree Holder

Through: Mr Ravi Kishore, Mr Deepak Jaiswal
and Mr Alok Srivastava, Advocates.

versus

PTC TECHNO PVT. LTD.

..... Judgement Debtor

Through: Mr M. Qayam-ud-din, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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18.05.2018

IA No.6975/2018

1. Allowed, subject to all just exceptions.

O.M.P.(MISC.)(COMM.) 94/2018

2. The petitioner has filed the present petition under Section 29A of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying that the time for making the arbitral award be extended for a further period of one year from today.

3. The learned counsel for the respondent has opposed the said application on several grounds. First, he alleges that the Arbitral Tribunal has altered the records and proceedings and has conducted the proceedings in a biased manner.

4. Next, he submits that the petitioner has been delaying the proceedings on the one pretext or the other. He submitted that although the respondent

was willing to proceed for day-to-day hearings and had made such a request on the last hearing held on 18.04.2018, the Arbitral Tribunal had not acceded to the same.

5. This Court has perused the order sheets and finds that the Arbitral Tribunal has held hearings on fourteen occasions. There is certain controversy as to the hearing held on 20.02.2018 inasmuch the respondent alleges that no such hearing was scheduled. Be that as it may, there can be no dispute that the Arbitral Tribunal has been proceeding with due despatch.

6. It is also noted that the respondent had filed an application [**O.M.P. (T) (COMM) 65/2017** captioned “**PTC Techno Private Limited v. Samsung India Electronics Pvt. Ltd.**”] under Section 14 of the Act. However, that petition was dismissed as withdrawn on 23.08.2017.

7. At this stage, this Court is not inclined to examine any of the allegations that have been made by the respondent regarding bias and partiality on the part of the Arbitral Tribunal. However, it is clear that the Arbitral Tribunal has not delayed the proceedings and the delay is, *inter alia*, on account of multiple applications filed before the Arbitral Tribunal. In this view, the time for making the award is extended for a further period of six months from today. It is further expected that the Arbitral Tribunal shall fix the hearing at its own convenience without reference to either parties and shall ensure that arbitral award is made within the period as extended above.

8. The learned counsel for the respondent had also argued that under Section 29A(6), the arbitrator should be substituted and the arbitral proceedings be continued from the same stage as reached before the Arbitral Tribunal. Since, this Court is not persuaded to accept that the delay is

attributable to the Arbitral Tribunal, no such orders are required to be passed.

9. It is clarified that all contentions of the parties regarding the conduct of the arbitral proceedings including as to the jurisdiction of the Arbitral Tribunal are reserved.

10. It is further clarified that this Court has not examined any of the allegations made by the petitioner against the respondent and nothing stated in this order be construed to mean that this Court has accepted the same.

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

12. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

MAY 18, 2018
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