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

+ O.M.P.(MISC.)(COMM.) 174/2018

BCC DEVELOPERS & PROMOTERS PVT.LTD Petitioner
Through Mr.Rahul Malhotra and Mr.Divyam
Agarwal, Advs.

versus

UNION OF INDIA Respondent
Through Mr.Prasant Verma, SCGC with
Ms.Shalu Goswami, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **20.08.2018**

This petition under Section 29A(4) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioner seeking extension of time for making of the Arbitral Award by the Arbitral Tribunal adjudicating the disputes between the parties that have arisen in relation to the provision of MD Accommodation for MAP- Phase II at Air Force Station, Halwara.

The Arbitrator entered upon the reference on 06.01.2017 and by a letter of the said date had informed the parties to the arbitration proceedings regarding the schedule of completion of pleadings. Thereafter, the petitioner filed its Statement of Claim on 14.02.2017 while the respondent filed its Statement of Defence on 12.04.2017. The petitioner amended its Statement of Claim on 24.06.2017, to which the pleadings were completed with the filing of the rejoinder on 29.11.2017. The petitioner further amended its

Statement of Claim on 30.11.2017. On 27.12.2017 the parties agreed to extension of time for making of the Award uptill 01.07.2018. On 10.05.2018 the Arbitrator gave further time to the parties to file their written submission, clarifying that no additional hearing shall be held.

By its letter dated 11.06.2018, the Arbitrator informed the parties that he would be unable to make the Award within the extended time and therefore, requested the parties to approach the Court for seeking further extension of time for making of the Arbitral Award. As the respondent refused to give its consent to such extension, the petitioner has filed the present petition.

Learned counsel for the respondent submits that though the respondent has no objection to the extension of time for making of the Arbitral Award being granted, the Arbitrator should be changed as the Arbitrator did not permit the respondent to argue its case on the additional claim made by the petitioner. In this regard the learned counsel for the respondent has also placed on record the comments submitted by the respondent with the Sole Arbitrator on the minutes of meeting dated 10.05.2018 circulated by the Arbitrator. The reply to the petition further makes reference to the letter dated 12.07.2018 of the respondent whereby the approval was rejected by the concerned authority for grant of extension of time for making of the Arbitral Award, albeit with a request to the competent authority to appoint a fresh Arbitrator.

In my view, Section 29A of the Act is not intended for the parties to seek substitution of the Arbitrator only because it may have some grievance regarding the procedure being adopted by the Arbitrator in conducting its proceedings or find the Arbitral Tribunal inconvenient to its interests.

Section 29A of the Act was introduced in the Principal Act only to ensure that there is an expeditious adjudication of the disputes by the Arbitral Tribunal and that the arbitration proceedings are not prolonged endlessly without any cause. In case the respondent has any objection against the manner in which the arbitral proceedings are being conducted, it would have its own remedy, but not in an application under Section 29A of the Act.

In view of the above and without prejudice to the rights and contentions of the respondent, the time for making of the Arbitral Award is extended till 30.09.2018.

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

Dasti.

NAVIN CHAWLA, J

AUGUST 20, 2018/Arya