

\$~27

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(MISC.)(COMM.) 179/2018
MS. JULIA CARMEN DESA & ORS. Petitioners
Through: Mr.Vineet Jhanji & Mr.Imran
Moulaey, Advs.

versus

RONALD LOBO(DECEASED) THROUGH: LRS & ORS.
..... Judgement Debtors
Through: Mr.Nitish Chaudhary, Adv. for R-1A
& R-2.
Mr.Ankit Jain, Adv. for R-1B & R-1C.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **04.09.2018**

This petition has been filed under Section 29A (4) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') seeking extension of time for making of the Award by the Sole Arbitrator. The parties have been referred to arbitration by the Compromise Decree dated 05.03.2016.

On 11.12.2017 the parties had consented to an extension of six months for making of the Award by the Arbitral Award. However, as the Award has not been passed, the present petition has been filed seeking further extension of time.

Learned counsel for the respondents submits that while he has no objection to the grant of extension of time for making of the Award, the perusal of various proceedings of the Arbitrator would indicate that the arbitration proceedings have not been taken up expeditiously resulting in

delay in the Arbitral Award.

The learned counsel for the petitioner submits that he has no objection if the present Arbitrator is substituted by this Court while granting extension of time for making of the Award.

With the consent of the parties, the time for making of the Award is extended by a further period of one year while substituting the Arbitrator and appointing Mr.Dinesh Dayal, Retired Additional District Judge (R/o 9, Upper Bela Road, Civil Lines, Delhi-110054, Mobile: 9810100200) as a substitute Arbitrator. The Arbitrator shall file his disclosure in terms of Section 12 of the Act before proceeding with the reference.

The arbitration proceedings shall commence from the stage they were before the earlier Arbitrator. Parties shall be at liberty to obtain the record from the earlier Arbitrator and file the same before the substitute Arbitrator.

The counsel for the parties submit that there is also a likelihood of settlement between the parties if they are referred to the Delhi High Court Mediation and Conciliation Centre. At their request, the parties are directed to appear before the Delhi High Court Mediation and Conciliation Centre on 28th September, 2018 at 3:00 p.m. The period of one year shall commence from the date of mediation report stating that settlement is not possible between the parties. Incase an amicable settlement is arrived at between the parties, the parties would inform the substitute Arbitrator not to enter upon the reference.

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

NAVIN CHAWLA, J

SEPTEMBER 04, 2018/rv