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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(MISC.)(COMM.) 218/2018**
GEE CAB INDUSTRIES LTD. Petitioner

Through: Mr. Rajat Aneja with Ms. Chandrika
Gupta, Adv

versus

NORTHERN RAILWAYS Respondent

Through: Mr. S.S. Gangwar with Mr. Manoj
Kumar Pathak, Advs

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **06.09.2018**

I.A. No. 11964/2018 (Exemption)

1. Allowed, subject to just exceptions.

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2. Issue notice.

3. Mr. S.S. Gangwar accepts notice on behalf of the respondent.

4. Learned counsel says that he does not wish to file a reply as he has no objection to the prayer made in the application being allowed.

5. I am told by counsel for the parties that the sole arbitrator entered upon reference on 01.08.2016

6. To be noted, there is nothing on record to demonstrate that after the expiry of the statutory period of 12 months, time for concluding arbitration proceedings was extended by the parties.

7. On being queried, counsel for the parties inform me that the learned Arbitrator continued with the Arbitration proceedings notwithstanding the expiry of his mandate and, in fact, passed an order under Section 17 of the

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Arbitration and Conciliation Act, 1996 (“1996 Act”) on 06.03.2018.

8. I am further informed that via another order passed on 13.08.2018, the learned Arbitrator fixed 31.08.2018 as the date for recording the petitioner/claimant’s evidence.

9. Clearly, the parties have been remiss in not adhering to the provisions of section 29A of the 1996 Act. However, having said so, given the fact that proceedings have reached the stage of evidence, I am inclined to extend the period for concluding the arbitration proceedings.

10 The petitioner however, though, has sought extension of time by another 12 months.

10.1 The question is the date from which this period should commence and the time frame which should be put in place having regard to the peculiar circumstances which have arisen in this case.

11. Having considered the matter, including the submissions of the counsel, time is extended till 31.01.2019.

11.1. The extension of time will, however, commence from 01.08.2017; which will be a period of more than one year. This is done to regularize time spent in conducting the arbitration proceedings after the initial time frame of 12 months had expired.

12. The prayer made by the petitioner had to be modified in view of what is indicated above.

13. The petition is disposed of in the aforesaid terms.

15. *Dasti.*

RAJIV SHAKDHER, J

SEPTEMBER 06, 2018/c
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