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

+ **O.M.P.(MISC.)(COMM.) 311/2018**

ERA INFRA ENGINEERING LTD.

..... Petitioner

Through: Ms. Manisha Chaudhary with Ms.
Avanti Chandela and Ms. Samridhi
Gogia, Advs

versus

BHARAT HEAVY ELECTRICALS LTD.

..... Respondent

Through: Mr. Dibya Nishant with Mr. Pallav
Kumar and Mr. Prashant Kumar,
Advs

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **15.10.2018**

I.A. No. 14317/2018 (Exemption)

1. Allowed, subject to just exceptions.

O.M.P.(MISC.)(COMM.) 311/2018

2. Issue notice.
3. Mr. Dibya Nishant accepts notice on behalf of respondent.
4. Learned counsel says that since the respondent does not object to the prayer made for extension of time, he does not wish to file a reply in the matter.
5. Insofar as, petitioner-company is concerned, an IRP has been appointed. The IRP is, one, Mr. Rajiv Charkoborty. Mr. Rajiv Charkoborty

O.M.P.(MISC.)(COMM.) 311/2018

page 1 of 2

has in turn appointed, one, Ms. Srishti Gupta to prefer the instant petition.

6. A copy of the Power of Attorney of Ms. Srishti Gupta is appended at page 58-60 of the documents file. This aspect is not disputed by counsel for the respondent.

7. The record shows that the learned Arbitrator entered upon reference on 09.03.2017 and that since the statutory period of 12 months was coming to an end, on 05.04.2018, parties mutually agreed to extension of time by further 6 months.

8. The 6 months statutory period came to an end on 09.09.2018.

9. It is in these circumstances that petitioner-company has approached this Court for extension of time.

10. I am told that the matter is at the stage of Admission/denial of documents.

11. Counsel for the petitioner-company says that the proceedings before the learned Arbitrator were delayed because of pendency of proceedings before the NCLT, Delhi Bench.

12. It is the submission of the learned counsel that a period of 5 months was consumed in that process.

13. Having regard to the facts and circumstances obtaining in the case, I am inclined to grant extension, for the moment, for a period of 9 months commencing from 09.09.2018.

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

15. *Dasti.*

RAJIV SHAKDHER, J

OCTOBER 15, 2018/c
O.M.P.(MISC.)(COMM.) 311/2018

page 2 of 2