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

+ **O.M.P.(MISC.)(COMM.) 309/2018**

M/S DEEPA ENGINEERING CO. Petitioner

Through: Mr. Digvijay Rai, Adv

Versus

THE INSTITUTE OF CHARTERED Respondent

Through: Mr. Ankit Kakkar, Adv

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **15.10.2018**

I.A. No. 14315/2018 (Exemption)

1. Allowed, subject to just exceptions.

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2. Issue notice.

3. Mr. Ankit Kakkar accepts notice on behalf of the respondent.

4. Learned counsel says that he does not wish to file a reply as he does not oppose the prayer made for extension of time save and except that since the value of the claim is less than 1 crores. According to the counsel, the petition should have been filed in a Court having the necessary pecuniary jurisdiction.

5. Since it is legal submission, learned counsel for the respondent says that no reply has to be filed. Insofar, as facts necessary for disposal of this petition are concerned, the same are not in dispute even according to the

counsel for the respondent.

6. Record shows that the learned Arbitrator entered upon reference on 29.04.2017 after an order being passed on 17.11.2016 by this Court directing the Delhi International Arbitration Centre (DIAC) to appoint an Arbitrator in respect of the disputes pending between the parties.

7. The record shows that nearer to the date of expiry of statutory period of 12 months, parties mutually agreed to extension of time for concluding arbitration proceedings by another 6 months.

8. According to the counsel for the parties, this undertaking was recorded in the proceedings of the learned Arbitrator held on 16.03.2018.

9. Since the extended period of 6 months is coming to an end, the petitioner has approached this Court for grant of further extension by another period of 6 months.

10. I am informed that the matter is presently at the stage of evidence.

11. Having regard to the time and money invested by the parties, I am inclined to grant the prayer sought by the petitioner.

12. Before I do that, I may only note that the respondent's objection that the captioned petition will not lie here does not seem to have merit, in view of the fact, that a section 11 petition can only be filed in the concerned high Court and therefore, the extension of time for concluding arbitration proceedings has to be granted by that Court and not by any other Court.

13. Section 11 proceedings is not dependent on the pecuniary jurisdiction as under the Arbitration and Conciliation Act, 1996, section 11 proceedings can only be instituted in the concerned High Court having territorial jurisdiction in the matter, therefore, the submission advanced on behalf of

respondent that this Court would have not pecuniary jurisdiction in the matter, in my view, is an objection which cannot be sustained.

14. As noted above, in section 11 proceedings, this Court had directed to DIAC to appoint an Arbitrator in the matter.

15. Thus as indicated above, time for concluding arbitration proceedings and pronouncement of the award is extended by period of 6 months which will commence from 29.10.2018.

16. The petition is disposed of in the aforementioned terms.

17. *Dasti.*

RAJIV SHAKDHER, J

OCTOBER 15, 2018

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