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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(MISC.)(COMM.) 315/2018
RAJIV AGGARWAL Petitioner
Through: Mr.Sanjay Bansal, Adv.

versus

DELHI TRANSPORT INFRASTRUCTURE CORPORATION
LIMITED & ANR. Respondents
Through: Mr.Amiet Andley & Mr.Arun K.
Sharma, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **16.11.2018**

This petition under Section 29A of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioner seeking extension of time for the Sole Arbitrator to pass the Award.

The learned counsel for the respondent submits that the claim filed by the petitioner itself is premature and the arbitration proceedings are not maintainable. He submits that the claim of the petitioner is based on the second RA Bill, original receipt of which has been denied by the respondent at the very inception of the arbitration proceedings. The respondent has also filed an application under Section 32(2)(c) of the Act in this regard. The same is pending adjudication before the Arbitrator since April 2018. He submits that to overcome this objection the petitioner has now filed the purported original of the second RA Bill, however, the same would only substantiate the objection taken by the respondent.

In my view, the above submission of the learned counsel for the respondent cannot be taken into consideration while considering an application under Section 29A of the Act seeking extension of time for the Arbitrator to make the Award. The Arbitrator is yet to take a decision on the application filed by the respondent under Section 32(2)(c) of the Act or its objection on the maintainability of the arbitration proceedings. The effect of the petitioner filing the original RA Bill has to be considered by the Arbitrator only.

In view of the above, I extend the time for the Arbitrator to pass the Arbitral Award by a further period of six months with effect from 24.11.2018, which is stated to be the next date of hearing before the Arbitrator.

It is hoped that the Arbitrator would first consider the application filed by the respondent under Section 32(2)(c) on merit before proceeding further with the reference.

The present order shall not prejudice either party in any other proceedings.

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

NAVIN CHAWLA, J

NOVEMBER 16, 2018/rv