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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ O.M.P. (T) (COMM.) 6/2019  
SHRI. SATYANARAYANA NAGARAJ @ S. NAGARAJ  
..... Petitioner  
Through: Ms.Risha Mittal, Adv.

versus

BEC CONDUITS PRIVATE LIMITED ..... Respondent  
Through: Nemo

**CORAM:**  
**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**ORDER**

% **11.01.2019**

**IA 351/2019**

Exemption allowed subject to all just exceptions.

**OMP(T) (Comm.) 6/2019 & IA 352/2019**

1. Issue notice to the respondent to be served through speed post, courier and dasti as well, returnable on 8<sup>th</sup> February, 2019.
2. It is the case of the petitioner that in spite of having filed an application before the Arbitrator stating that the respondent had not issued any notice invoking arbitration as mandated under Section 21 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act'), the Arbitrator has not adjudicated on the said application.
3. It is further submitted by the counsel for the petitioner that the Arbitrator had been purportedly appointed by the respondent vide its letter dated 06.03.2017 and entered upon the reference by the e-mail dated 06.05.2017, from either date the period of one year as provided

under Section 29A of the Act has expired and there is no extension of time granted to the Arbitrator to pass the Award. Therefore, in the submission of the counsel for the petitioner, the mandate of the Arbitrator in any case has terminated.

4. Counsel for the petitioner further submits that the Arbitrator did not hold any hearing between the period December, 2017 to November, 2018, when suddenly, vide e-mail dated 08.11.2012, the Arbitrator fixed a hearing for 10.11.2018.

5. In view of the submissions made, there shall be a stay on further proceedings of the arbitration till the next date of hearing.

**NAVIN CHAWLA, J**

**JANUARY 11, 2019**  
**RN**