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

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Date of decision: 6th November, 2019

+ **O.M.P.(MISC.)(COMM.) 431/2019**

HARISH KUMAR & ANR.

..... Petitioners

Through: Mr. Rajiv K. Garg and Mr. Govind
Singh, Advocates.

versus

NARESH KUMAR & ORS.

..... Respondents

Through: Ms. Charu Dalal and Mr. Ajay Pratap
Singh, Advocates for R-3 and 4.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

I.A. No. 15400/2019 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

O.M.P.(MISC.)(COMM.) 431/2019

1. Issue notice.
2. Ms. Charu Dalal, Advocate enters appearance on behalf of respondent nos. 3 and 4 and accepts notice.

3. This is a petition under Section 29A (4) and (5) of the Arbitration & Conciliation Act, 1996, (hereinafter referred to as 'the Act') seeking extension of time for completion of the Arbitral Proceedings and passing of Award.
4. Learned counsel for the petitioner submits that respondent nos. 1 and 2 herein were proceeded ex-parte during the Arbitration Proceedings as they had chosen to remain absent even in the said Proceedings.
5. Learned counsel for respondent nos. 3 and 4, on instructions, submits that respondent nos. 3 and 4 have no objection to the extension of time. This would however, be without prejudice to the contentions of respondent nos. 3 and 4 that the allegations made against them in the petition, are disputed and denied.
6. Learned counsel for the petitioner, at this stage, fairly submits that all allegations made against respondent nos. 3 and 4, if any, are withdrawn.
7. Arbitral Tribunal entered upon reference on 28.5.2018. The parties were referred to Mediation, however, the mediation has failed. The statutory period of 12 months has come to an end on 27.5.2019. Although, it is not averred in the petition, however, learned counsel for the petitioners orally submits that the time was extended with mutual consent of the parties by a period of six months, which expires on 27.11.2019.
8. Parties have already consented before the Arbitral Tribunal for seeking extension of time by a period of six months with effect from 27.11.2019.

9. Period for completion of proceedings and passing of the Award is hereby extended by six months.
10. Petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

NOVEMBER 06, 2019

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