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

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Date of decision: 13.12.2019

+ O.M.P. (MISC.) 45/2019

SMT. SUSHILA SHARMA

..... Petitioner

Through Mr. Pratap Sahani, Advocate.

Versus

M/S BHARDWAJ ENTERPRISES & ORS.

..... Respondent

Through: Mr. Suresh Aggarwal, Advocate

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

1. Present petition has been filed under Section 29A(4) of the Arbitration and Conciliation Act, 1996 ('Act') seeking extension of time for completion of the arbitral proceedings and passing of the Award.

2. Sole Arbitrator was appointed vide order dated 15.09.2017 in Arbitration Petition No. 262/2017. The proceedings were to be conducted under the aegis of Delhi International Arbitration Centre ('DIAC'). The DIAC vide its communication dated 28.09.2017 informed the Arbitrator about his appointment. The learned Arbitrator gave its consent on 09.10.2017. However, since the parties did not deposit their respective share of fees, the DIAC did not place the matter before the Learned Arbitrator. Subsequently, DIAC vide its communication dated 10.08.2018, with consent of the Arbitrator, fixed the matter for hearing on 29.08.2018. On 29.08.2018,

the learned Arbitrator held the first procedural hearing.

3. Under explanation to Section 29A(1) of the Act, the Arbitral Tribunal is deemed to have entered upon reference on the date on which the Arbitrator receives notice in writing of its appointment. Since the DIAC had communicated the appointment of the Arbitrator vide its letter dated 28.09.2017, the notice would have been received around the said period since the date of receipt of notice is not known to either party and nor has been mentioned in the petition. The statutory period of twelve months under Section 29A(1) of the Act thus expired in September 2018. As the narration of facts above indicate, the Arbitrator entered upon reference only in August 2018. The said period would have to be regularized.

4. It is admitted between the parties that vide order dated 16.05.2019, the Arbitrator had extended the time by six months with mutual consent of the parties. The extended period expired on 15.11.2019.

5. Learned counsel for the petitioner submits that the matter is at the stage of respondents' evidence and prays that the time be further extended for a period of six months.

6. Mr. Suresh Aggarwal, Advocate, appearing on behalf of the respondents, on instructions from the respondents, submits that he has no objection to the time being extended.

7. With the consent of the parties, time for completion of the proceedings and passing of the award is extended by a period of six months from 16.11.2019. Period between September 2018 and 15th May, 2019 is hereby regularized.

8. The petition is allowed in the aforesaid terms.

JYOTI SINGH, J

DECEMBER 13, 2019

rkc/

