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

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Date of decision: 22.11.2019

+ O.M.P.(MISC.)(COMM.) 386/2019, IA Nos.14096-98/2019 & IA
16336/2019

CONCEPT COMMUNICATION LIMITED

..... Petitioner

Through: Mr. Jayant Mehta, Mr. Aman Varma
& Ms. Jaivir K.Sidhant Advocates

versus

BHARAT SANCHAR NIGAM LIMITED

..... Respondent

Through: Mr. L.B.Rai, Ms. Aishwarya Tyagi
Advocates

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

This is a petition under Section 29A(4) of the Arbitration & Conciliation Act, 1996(Act) seeking extension of time for completion of pleadings and passing the Award.

Vide order dated 02.08.2019, this Court in OMP (MISC.)(COMM.) 310/2019 had granted two weeks time to the respondent to file its evidence by way of affidavit and six weeks time was granted to the Arbitral Tribunal to complete the proceedings.

Counsel for the petitioner vehemently submits that the respondent is only prolonging the proceedings by taking adjournments on one pretext or the other. Despite two weeks time granted to the respondent having expired
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on 16.08.2019, the required affidavits were not filed and the affidavit of the respondent's witness, namely, Vijay Pal was filed on 17.08.2019, after the expiry of time granted by the Court. Other two affidavits of witnesses, namely, Mr. Prateek Jain and Mr. Manthira Moorthy were filed on 12.09.2019. He therefore, opposes the filing of the affidavits by the respondent.

Counsel for the respondent *per contra*, on instructions from the respondent, submits that whatever affidavits have been filed prior hereto of the witnesses, will stand withdrawn. The respondent will now lead evidence through the present three affidavits mentioned aforesaid. He undertakes that no further evidence by way of affidavit will be filed besides the present affidavits. No further documents will also be filed and no unnecessary adjournments will be taken before the Arbitral Tribunal.

The extended period granted by this Court has expired on 13.09.2019. With the consent of the parties and the assurance given by counsel for the respondent, period of passing the Award is hereby extended for a further period of three months with effect from 22.11.2019. The period between 14.09.2011 and 21.11.2019 is regularized.

The petition along with all pending applications is disposed of in the above terms.

JYOTI SINGH, J

NOVEMBER 22 , 2019
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