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

+ **O.M.P.(MISC.)(COMM.) 434/2019 & IA. 15527/2019**

M/S RELIO QUICK PVT. LTD Petitioner

Through: **Ms. Neha Bhatia, Adv.**

versus

MR. SANJEEV SHARMA

..... Respondent

Through: **Mr. Rama Shankar and Ms. Preeti,**
Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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07.11.2019

IA. 15527/2019 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

O.M.P.(MISC.)(COMM.) 434/2019

1. This petition has been filed by the petitioner under Section 29(A) of the Arbitration and Conciliation Act, 1996 for extension of time by six months for the learned Arbitrator to complete the proceedings and render the award.
2. Mr. Rama Shankar, learned counsel appearing for the respondent on advance notice opposes the prayer of extension on the ground that the counter-claim of the respondent herein has been dismissed by the learned Arbitrator for non-prosecution on November 12, 2018. According to him, even the application for recall of order dated November 12, 2018 was

dismissed by the learned Arbitrator. He states, he shall give consent for extension of time provided the petitioner herein give consent for the revival of counter-claim of the respondent.

3. On the other hand, learned counsel for the petitioner states the plea now raised by Mr. Rama Shankar is untenable inasmuch as the consent for extension should be unconditional and further the respondent in the proceedings before the learned Arbitrator held on October 7, 2019 had given his consent to approach this court for the extension of time.

4. Noting the aforesaid, in so far as the submission made by Mr. Rama Shankar is concerned, the same is not appealing. No condition can be put on the other party for consenting to the extension of time. That apart, if the counter claim has been dismissed, the respondent is within his right to seek remedy as available in law against the dismissal of the counter-claim.

5. That apart, I find that the parties have jointly agreed before the learned Arbitrator to seek extension of time.

6. I have been informed that the proceedings are at the stage of respondent's evidence and the respondent has also filed his affidavit of examination-in-chief. That apart, I find that earlier also the petitioner had approached this court for extension of time and the same was granted by this court vide order dated May 7, 2019. If that be so, this court is only inclined to grant three months time for the learned Arbitrator to complete the proceedings and render the award.

7. The petition stands disposed of.

V. KAMESWAR RAO, J

NOVEMBER 07, 2019/jg