

\$~A-30

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

%

Date of decision: 23.10.2019

+ O.M.P.(MISC.)(COMM.) 422/2019

MEJA URJA NIGAM PVT.LTD.

..... Petitioner

Through: Mr. Aman Verma, Advocate

versus

RATNA INFRASTRUCTURE PROJECTS .LTD..... Respondent

Through: Mr. Purvesh Buttan, Advocate

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

I.A. 14849/2019 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

O.M.P.(MISC.)(COMM.) 422/2019

1. Issue notice.
2. Mr. Parvesh Buttan, Advocate, enters appearance on behalf of the respondent and accepts notice.
3. The present petition has been filed under Section 29A(4) & (5) of the Arbitration and Conciliation Act, 1996 ('Act') seeking extension of time for completion of the arbitral proceedings and passing of the Award.

4. Disputes and differences having arisen between the parties, the Arbitration Clause in the Contract Agreement dated 21.09.2010 was invoked. On 02.04.2014, Sole Arbitrator was appointed to adjudicate the disputes between the parties. On 23.10.2015, the Arbitration & Conciliation (Amendment) Act, 2015 came into effect.
5. On 11.04.2017, the second Arbitrator came to be appointed as a Sole Arbitrator in place of the earlier Arbitrator by a judgment passed by this Court in Arb.P. 537/2016, wherein the Court had recorded that the Arbitration & Conciliation (Amendment) Act, 2015 will be applicable to the arbitration proceedings. Time for concluding the proceedings was extended by six months on 28.03.2018 by consent of the parties. The extended time came to an end on 09.10.2018.
6. On 23.10.2018, this Court in OMP(Misc.)(Comm.) No. 302/2018, extended the time for making of the Award by a further period of three months w.e.f. 23.10.2018.
7. On 18.11.2018, the second Arbitrator withdrew from the present arbitration proceedings. The time extended by this Court expired on 23.01.2019.
8. An OMP(T)(Comm) No. 13/2019 was filed in this Court by the respondent under Section 15(2) of the Act seeking appointment of the substitute Arbitrator.
9. On 31.01.2019, this Court passed an order appointing Hon'ble Mr. Justice Badar Durrez Ahmed, a former Judge of this Court as the 'Third Arbitrator' to act as a Sole Arbitrator between the parties.

10. Learned counsel for the petitioner submits that the proceedings are at the stage of final arguments, and therefore, time be extended for passing of the Award. He further prays that the time from 23.01.2019 till date be also regularized.
11. Mr. Parvesh Buttan, Advocate, appearing on behalf of the respondent, on instructions from the respondent, submits that he has no objection to the prayers sought by the petitioner.
12. With the consent of the parties, time from 23.01.2019 till date is regularized and time with effect from 23.10.2019 is extended for a further period of nine months for passing of the Award by the Sole Arbitrator.
13. The petition is allowed in the above terms.

OCTOBER 23, 2019

rd/

JYOTI SINGH, J

न्यायमेव जयते