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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P.(MISC.)(COMM.) 51/2019 & IA 1736/2019

SURENDER KHOKHA

..... Petitioner

Through: Mr.Arvind Sharma, Adv.

versus

MVL LTD.

..... Respondent

Through: Ms.Mansi, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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15.02.2019

This petition has been filed under Section 29A of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') seeking extension of time for making of the Arbitral Award by the Sole Arbitrator.

The Sole Arbitrator was appointed by this Court vide its order dated 29.10.2015. The order of the appointment itself referred the parties to mediation for a period of three months. As the parties could not arrive at a settlement, the Arbitrator entered reference and the petitioner filed its Statement of Claim on 08.04.2016. Apart from the said date, there is no other date available on record to determine when the Arbitrator entered in reference for purposes of Section 29A of the Act.

Thereafter the arbitration proceedings continued and only on 12.12.2018, the Arbitrator advised the parties to seek extension of time for making of the Award. In the meantime, the witness of the petitioner has already been examined and the examination of the witness of the respondent

is taking place.

Counsel for the respondent submits that the respondent has no objection if the time for making of the Award is extended.

Having perused the contents of the petition and no objection expressed by the respondent, the time for making of the Award is extended by a further period of four months with effect from today. The proceedings that have taken place between the expiry of the one year from the Arbitrator entering into reference till the date of passing of the Award shall also be considered to have been conducted under the extended period.

The petition is allowed in the above terms, with no order as to cost.

Dasti.

NAVIN CHAWLA, J

FEBRUARY 15, 2019/Arya