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

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Date of decision: 13.09.2019

+ O.M.P.(MISC.)(COMM.) 367/2019

TATA PROJECTS LTD. & ANR. Petitioners
Through: Mr. Sameer Parekh, Ms. Rashi Gupta,
Advocates

versus

DEDICATED FREIGHT CORRIDOR Respondent
Through: Mr. Anil Seth, Advocate

+ O.M.P.(MISC.)(COMM.) 368/2019

TATA PROJECTS LTD. & ANR. Petitioners
Through: Mr. Sameer Parekh, Ms. Rashi Gupta,
Advocates

versus

DEDICATED FREIGHT CORRIDOR Respondent
Through: Mr. Anil Seth, Advocate

+ O.M.P.(MISC.)(COMM.) 369/2019

TATA PROJECTS LTD. & ANR. Petitioners
Through: Mr. Sameer Parekh, Ms. Rashi Gupta,
Advocates

versus

DEDICATED FREIGHT CORRIDOR Respondent
Through: Mr. Anil Seth, Advocate

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

I.A. No. 12717/2019 (Exemption) in O.M.P.(MISC.)(COMM.) 367/2019

I.A. No. 12718/2019 (Exemption) in O.M.P.(MISC.)(COMM.) 368/2019

I.A. No. 12719/2019 (Exemption) in O.M.P.(MISC.)(COMM.) 369/2019

Exemptions allowed subject to all just exceptions.

Applications stand disposed of.

O.M.P.(MISC.)(COMM.) 367/2019

O.M.P.(MISC.)(COMM.) 368/2019

O.M.P.(MISC.)(COMM.) 369/2019

The present petitions have been filed under Section 29A (4) and (5) of the Arbitration and Conciliation Act, 1996 ('Act') for extension of time for completion of arbitral proceedings and passing of the awards. The three petitions relate to three different arbitration proceedings, but arise out of the same contract and is pending before the same arbitral tribunal, the only difference being the nature of disputes referred therein.

The parties had entered into a contract on 8.3.2013. Certain disputes arose with respect to the said contract and the arbitral tribunal was constituted vide letter dated 14.3.2018. Initially, the arbitration proceedings were with respect to two disputes between the parties.

Learned counsel for the petitioner submits that the final arguments were concluded in October, 2018. In the meanwhile, the parties referred a third dispute with respect to the same contract to the same Tribunal in relation to entries in the earth work and other allied works.

The arbitral tribunal on 11.3.2019 passed an interim award with respect to Dispute No. 1 in favour of the petitioner. However, with respect to Dispute No. 2, the Tribunal informed the parties that Dispute Nos. 2 and 3 were inter-related and thus the Tribunal had decided to keep the award for Dispute No. 2 in abeyance and adjudicate the same together with Dispute No. 3. It is submitted that the proceedings in Dispute-3 are going on and are likely to be concluded soon.

The statutory period of 12 months expired on 14.3.2019. By a mutual consent of the parties the time was extended by a period of six months which expired on 14.9.2019.

Learned counsel for the petitioner submits that the present petitions have been filed with the consent of the respondent for extension of time to complete the proceedings.

Mr. Anil Seth, Advocate appears on behalf of the respondent and submits that he has no objection to the time being extended.

In view of the averments made in the petitions and the no objection of the respondent, the present petitions are allowed.

Time for completion of the arbitral proceedings and passing of the awards in all the above petitions, is extended by a period of six months from 14.9.2019.

The petitions are disposed of in the aforesaid terms.

JYOTI SINGH, J

SEPTEMBER 13, 2019

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