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

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Date of decision: 27th November, 2019

+ **O.M.P.(MISC.)(COMM.) 481/2019**

AERCOMFORT PVT. LTD.

..... Petitioner

Through: Mr. Dinesh C. Pandey, Advocate.

versus

GENERAL MANAGER NORTHERN RAILWAY & ORS.

.... Respondents

Through: Mr. Jagjit Singh, Sr. Standing Counsel
for Railways with Mr. Preet Singh and
Mr. Vipin Chaudhary, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

I.A. No. 16627/2019 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

I.A. No. 16626/2019 (delay)

This is an application seeking condonation of delay in filing application seeking extension of time for passing the Award.

For the reasons stated in the application, the same is allowed and the delay in filing the instant application is condoned.

Application stands disposed of.

O.M.P.(MISC.)(COMM.) 481/2019

1. This is a petition filed under Section 29A(5) of the Arbitration and Conciliation Act, 1996 ('Act') seeking extension of time for passing the Award.
2. Issue notice.
3. Mr. Jagjit Singh, Advocate, enters appearance and accepts notice on behalf of the respondents.
4. In the present case, the first arbitration proceeding was held on 27.06.2017 and the proceedings reached the stage of recording of the evidence of the respondents within the statutory period of twelve months for passing the Award. Vide order dated 16.05.2018, the period for passing the Award was extended for a period of six months with the consent of the parties.
5. Subsequently, however, the Sole Arbitrator recused and another Arbitrator was appointed in October, 2018. On 13.02.2019, the Additional District Judge, Delhi in OMP(Misc.)(Comm.) 3/2019 granted extension of eight months for passing the Award.
6. The original case files were misplaced and after reconstruction, the matter was fixed for recording of the respondents' evidence. The eight months period expired on 12.10.2019. The next date of hearing was fixed by the Arbitrator as 31.10.2019 granting liberty to the petitioner to take steps for extension of time.
7. On 14.10.2019, the petitioner filed OMP(Misc.)(Comm.) 31/2019 for extension of time before the Additional District Judge. Vide order dated 13.11.2019, the petition has been dismissed on the ground that the same

was only maintainable before this Court. In the meantime, the proceedings were adjourned to 26.11.2019 and on account of the Arbitrator withdrawing from the case, the Delhi International Arbitration Centre has appointed another Arbitrator.

8. Learned counsel for the respondents submits that he has no objection to the extension of time.
9. It is pointed out that the arbitration proceedings are at the stage of examination of the respondents' witness.
10. With the consent of the parties, time for completion of proceedings and passing of the Award is extended by a period of one year with effect from 12.10.2019.
11. With the aforesaid directions, the petition is disposed of.

NOVEMBER 27, 2019

AK/

JYOTI SINGH, J

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