

**106+209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision:06.01.2020

I ARB-ICA No.5 of 2019

COBRA INSTALACIONES Y SERVICIOS S.A. ...Petitioner

Versus

HARYANA VIDYUT PRASARAN NIGAM LTD. ...Respondent

II ARB-ICA No.6 of 2019

COBRA INSTALACIONES Y SERVICIOS S.A. ...Petitioner

Versus

HARYANA VIDYUT PRASARAN NIGAM LTD. ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sumer Singh Brar, Advocate
for the petitioner.

Ms. Sonia Madan, Advocate
for the respondent.

DEEPAK SIBAL, J. (ORAL)

As similar issues have been raised in ARB-ICA No.5 of 2019, “Cobra Instalaciones Y Servicios S.A. vs. Haryana Vidyut Prasaran Nigam Ltd.” and ARB-ICA No.6 of 2019, “Cobra Instalaciones Y Servicios S.A. vs. Haryana Vidyut Prasaran Nigam Ltd.”, both these petitions are being disposed of through a common order. However for the sake of convenience facts have been taken from ARB-ICA No.5 of 2019.

On 09.07.2009 the parties entered into an agreement as per

which the petitioner was to construct 220 kv transmission lines. Disputes arose between the parties. The arbitration clause was invoked by the petitioner. As per the aforesaid agreement arbitration between the parties was to be through the International Chamber of Commerce, Paris. However, the parties consented to arbitrate in India. Both parties appointed one Arbitrator each who appointed a third Arbitrator and resultantly on 15.11.2017 an Arbitral Tribunal comprising of three Arbitrators came into existence before whom the petitioner filed two separate claims to which the respondents filed its written statement. Since the evidence by the parties could not be completed within one year, by the mutual consent of the parties, the time to finally adjudicate upon the dispute between the parties was extended by six months and since even thereafter the dispute could not be finally decided, the petitioner filed an application before this Court being ARB-ICA No.1 of 2019-“Cobra Instalaciones Y Servicios S.A. vs. Haryana Vidyut Prasaran Nigam Ltd.”, seeking therein extension of time which through order dated 30.04.2019 was allowed by this Court and resultantly another six months were granted to the Arbitral Tribunal to complete the arbitration proceedings pending before it.

As per the aforesaid order of this Court dated 30.04.2019, passed in ARB-ICA No.1 of 2019, “Cobra Instalaciones Y Servicios S.A. vs. Haryana Vidyut Prasaran Nigam Ltd.”, the Arbitral Tribunal was required to pass its award by 14.11.2019 but since elaborate evidence was led by both the parties the award was not passed on or before the aforesaid date occasioning the filing of the present petition seeking further extension of time to enable the Arbitral Tribunal to pass its award.

Ms. Sonia Madan, Advocate who puts in appearance on behalf of the respondent submits that she has express instructions from the respondent to the effect that it has no objection if the prayer made in the present petition is accepted.

After going through the interim orders passed by the Arbitral Tribunal as also the fact that both the parties have already led their entire evidence and that only final arguments are left to be addressed, this Court is of the opinion that in the interest of justice, the period to pass the award be extended for a further period of three months from the date of the receipt of a copy of this order.

Both the petitions being ARB-ICA No.5 of 2019, “Cobra Instalaciones Y Servicios S.A. vs. Haryana Vidyut Prasaran Nigam Ltd.” and ARB-ICA No.6 of 2019, “Cobra Instalaciones Y Servicios S.A. vs. Haryana Vidyut Prasaran Nigam Ltd.”, are allowed in the above terms.

No costs.

(DEEPAK SIBAL)
JUDGE

January 06, 2020

Jyoti-D Whether speaking/reasoned Yes/No Whether Reportable Yes/No