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

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Date of decision: 24.02.2020

+ O.M.P.(MISC.)(COMM.) 37/2020

CLEARMEDI HEALTHCARE PVT. LTD. Petitioner
Through: Mr. Puneet Bhardwaj, Advocate

versus

VALENTIS CANCER CARE HOSPITAL PVT. LTD.
..... Respondent
Through: Mr. Sanchit Garg, Advocate

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

1. This is a petition filed under Section 29A(5) of the Arbitration and Conciliation Act, 1996 ('Act') seeking extension of time for completion of the arbitral proceedings and passing of the Award.
2. Issue notice.
3. Mr. Sanchit Garg, advocate enters appearance and submits, on instructions, that he has no objection to the petition being allowed.
4. On 08.03.2018, the Arbitrator was appointed to adjudicate the disputes between the parties. Petitioner filed its Statement of Claim to which the reply was filed by the respondent on 29.06.2018. An application filed by the petitioner under Section 17 of the Act was decided by the Arbitrator on 25.7.2018. After some hearings on 22.11.2018, the petitioner's witness was partly cross-examined by the respondent. Time for making the Award was extended by six months on the said date with mutual consent of the parties.

5. On 28.01.2019, cross-examination of the petitioner's witness was completed and the petitioner closed its evidence. Respondent was directed to file his evidence by way of affidavit.
6. On 09.03.2019, petitioner filed an application under Section 17 and 23(3) of the Act. Application was subsequently withdrawn on 06.04.2019.
7. On 24.05.2019, the petitioner filed an application for supplementary claim alongwith an application for filing additional documents and additional affidavit in evidence of CW-1. On 27.05.2020, the matter was adjourned due to non availability of the petitioner's counsel on account of medical emergency.
8. Another application was filed under Section 23(3) of the Act read with Order VI Rule 17 CPC by the petitioner on 17.07.2019. Six month's period extended by mutual consent of the parties expired on 08.09.2019. The petitioner's counsel fairly concedes that after 08.09.2019, no steps were taken by the parties to move the court for extension of time.
9. Learned counsel for the respondent, on instructions, submits that the respondent has filed its statement of defence to the supplementary claim filed by the petitioner.
10. With the consent of the parties, time for completion of the proceedings and passing of the award is extended by a period of six months from 24.02.2020.
11. The period between 08.09.2019 till 24.02.2020 is hereby regularized.
12. The petition is allowed in the aforesaid terms.

JYOTI SINGH, J

FEBRUARY 24, 2020

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