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

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Date of decision: 31.01.2020

+ O.M.P.(MISC.)(COMM.) 44/2020

RAIL VIKAS NIGAM LTD.

..... Petitioner

Through Mr. Prateek and Mr. Anil Seth,
Advocates.

versus

RAILONE TARMAT DURGA (JV)

..... Respondent

Through Mr. Rajan Kumar Singh, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

I.As. 1406-1407/2020 (Exemptions)

Allowed, subject to all just exceptions.

Applications are disposed of.

O.M.P.(MISC.)(COMM.) 44/2020

1. This is a joint petition filed under Section 29A(4) & (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. The Arbitral Tribunal entered upon reference on 01.12.2016. Petitioner moved an application under Section 13 of the Act, challenging the constitution of the Arbitral Tribunal on the ground of independence, impartiality and the fact that the proceedings were being conducted in an unfair manner. The application was rejected by the Tribunal.

3. In January 2018, respondent filed a petition under Section 29A(5) of the Act being OMP (Misc.)(Comm) 5/2018 for extension of time. On 15.01.2018, this Court terminated the mandate of the Arbitral Tribunal and appointed Ms. Justice Sunita Gupta (Retired) as Sole Arbitrator to adjudicate the disputes between the parties. This was to be treated as a fresh appointment and the date fixed was 30.01.2018.
4. Statutory period of twelve months under Section 29A(1) of the Act expired on 30.01.2019. During the proceedings, by mutual consent of the parties, time was extended by a period of six months, which expired on 30.07.2019.
5. Parties filed an application under Section 29A(5) of the Act being OMP(Misc.)(Comm) 300/2019 for extension of time for six months. Vide order dated 29.07.2019, this Court extended time for completion of proceedings and passing of Award for six months with effect from 31.07.2019. The extended period has expired on 30.01.2020.
6. Learned counsels for the parties submit that the proceedings are at the stage of final arguments and pray that the time be further extended for a period of six months.
7. 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 today i.e. 31.01.2020.
8. The petition is allowed in the aforesaid terms.

JYOTI SINGH, J

JANUARY 31, 2020
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