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

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Date of decision: 17.02.2020

+ O.M.P.(MISC.)(COMM.) 73/2020

NTPC LIMITED

..... Petitioner

Through: Mr. Barunesh Chandra, Ms. Madhumita
Bhattacharjee and Ms.Srija Choudhary, Advocates

versus

JSC TECHNOPROMEXPORT

..... Respondent

Through: Ms. Deepshikha and Mr.Santhosh
Krishan, Advocates

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

I.A. 2207/2020 (Exemption).

Exemption allowed subject to all just exceptions.

Application stands disposed of.

O.M.P.(MISC.)(COMM.) 73/2020

1. This is a petition filed under Section 29A(4) of the Arbitration and Conciliation Act, 1996 ('Act') seeking extension of time for passing of the Award.

2. Issue notice to the respondent.

3. Ms. Deepshikha, Advocate, accepts notice on behalf of the respondent and submits on instructions that the respondent has no objection to the petition being allowed.

4. The Arbitral Tribunal entered upon reference on 27.10.2016. The statutory period of twelve months under Section 29A(1) of the Act expired on 26.10.2017. Mandate of the Tribunal was extended by mutual consent of both the parties, under Section 29A (3) of the Act. The extended period of six months expired on 27.04.2018. In between, an application under Section 17 of the Act was being heard by the Tribunal, which was finally disposed of on 02.04.2018. An application under Section 29A (4) was moved on 29.05.2018 before this Court for extension of time by one year. Vide order dated 01.06.2018 in OMP (MISC) (COMM) 133/2018, extension was allowed.

5. Learned counsels for the parties jointly submitted that final arguments were concluded in May 2019 but since the mandate of the Tribunal expired on 01.06.2019, the Award could not be passed. The parties thus, consented to seek extension of time. Vide order dated 30.05.2019, extension of six months was given with effect from 01.06.2019 in OMP(MISC)(COMM) 235/2019 which has also expired.

6. Learned counsels for the petitioner has drawn the attention of this Court to an e-mail received from the Arbitrator wherein the Arbitrator has requested for an additional extension of time by about six months owing to the complex nature of the issues involved in the matter.

7. With consent of the parties, time for passing of the Award is extended by a period of six months from today i.e., 17.02.2020. The period between 01.12.2019 to 16.02.2020 is hereby regularised.

8. The petition is allowed in the aforesaid terms.

JYOTI SINGH, J

FEBRUARY 17, 2020/ yg/

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