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

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Date of decision: 27.02.2020

+ O.M.P.(MISC.)(COMM.) 80/2020
RAIL VIKAS NIGAM LTD. Petitioner
Through Mr. J.K. Singh and Mr. Saurabh
Sharma, Advocates.

versus

AFCONS INFRASTRUCTURE LTD. Respondent
Through Mr. Manu Seshadri and Mr. Samarth
Chowdhary, Advocates.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

I.A. No. 2789/2020 (Exemption)

Allowed, subject to all just exceptions.

Application is disposed of.

O.M.P.(MISC.)(COMM.) 80/2020

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. Manu Seshadri accepts notice and submits on instructions from the respondent that the respondent has no objection to the petition being allowed and the time being extended.

4. The Arbitral Tribunal was constituted on 02.08.2017 and the first procedural hearing was held on 27.08.2017.
5. On 06.01.2018, time for making the Award was extended by a period of six months with the mutual consent of the parties. Petitioner had filed a petition in this Court being OMP (MISC)(COMM) 268/2019 seeking extension of time. Vide order dated 08.07.2019, the Court extended the time by a further period of six months with effect from 31.07.2019.
6. It is submitted by the learned counsel for the petitioner that the respondent / claimant has completed its arguments on 24.10.2019 and the arguments of the petitioner herein have started on 19.11.2019 and the arguments are yet to complete.
7. Learned counsels for the parties have drawn the attention of this Court to an order dated 24.01.2020 passed by the Tribunal whereby the Tribunal has fixed two dates for the arguments of the petitioner on 07.04.2020 and 08.04.2020. Thereafter, for the rejoinder arguments of the claimant, the dates fixed are 09.04.2020, 10.04.2020 and 11.04.2020. Vide the same order, the Tribunal has recorded that the time extended by this Court would expire on 31.01.2020 for making the Award but it would not be possible for the Tribunal to pass an Award before 31.01.2020. In these circumstances, the parties agreed to apply before this Court for extension of time and hence the present petition has been filed.
8. Learned counsels for the parties jointly submit that time be extended by a period of six months.
9. 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 01.02.2020.

10. The petition is allowed in the aforesaid terms.

JYOTI SINGH, J

FEBRUARY 27, 2020
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