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

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Date of decision: 13.03.2020

+ O.M.P.(MISC.)(COMM.) 97/2020

STEEL AUTHORITY OF INDIA LTD., Petitioner

Through Ms. Veronica Mohan, Ms. Deepa
Chansoliya and Ms. Kirobi Biswas,
Advocates.

versus

M/S. ERA INFRA ENGINEERING LTD. Respondent

Through Ms. Amandeep Saini and Mr. Anil
Seth, Advocates

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

I.A. 3416/2020 (Exemption)

Allowed, subject to all just exceptions.

Application is disposed of.

O.M.P.(MISC.)(COMM.) 97/2020

1. Issue notice.
2. Ms. Amandeep Saini accepts notice on behalf of the respondent.
3. This is an Arbitration under the Indian Council of Arbitration Rules. Respondent, who is the claimant therein, filed its Statement of Claim on 19.04.2017. The petitioner filed its Statement of Defence on 23.06.2017. Thereafter, the petitioner filed its counter claim and the Arbitral Tribunal

was constituted by Indian Council of Arbitration (hereinafter referred to as 'ICA') on 11.04.2018.

4. On 08.05.2018, Interim Resolution Professional (hereinafter referred to as 'IRP') was appointed and moratorium order was passed by Union Bank of India in terms of Section 14 of the Code in a petition under Section 7 of Insolvency and Bankruptcy Code, 2016.

5. On 16.05.2018, the Tribunal deferred the proceedings *sine die* in view of the moratorium being imposed by NCLT.

6. On 14.08.2018, the IRP requested the Arbitral Tribunal to continue with the arbitration proceedings.

7. On 08.03.2019, NCLT extended the period of moratorium.

8. On 18.03.2019, in furtherance of the request of the IRP, a procedural hearing was held by the Arbitral Tribunal which was, however, adjourned on account of non-appearance of the respondent/IRP.

9. It is submitted by the parties that NCLT has allowed the petitioner's application on 08.11.2019 to modify the order of moratorium so as to enable the continuation of the arbitration proceedings before the Arbitral Tribunal.

10. Statutory period of twelve months under Section 29A(1) of the Act expired on 10.04.2019. By consent of the parties, time was extended by a period of six months, which expired on 09.10.2019.

11. When the Tribunal deferred the proceedings *sine die*, the proceedings were at the stage of filing of the reply by the claimant to the counter claim of the respondent therein.

12. Learned counsel appearing for the respondent, on instructions, submits that respondent has no objection to the petition being allowed and the time being extended.

13. 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 w.e.f 13.03.2020.

14. The period between 09.10.2019 till date i.e. 13.03.2020 is hereby regularised.

15. Petition is allowed in the aforesaid terms.

MARCH 13, 2020
yo/

JYOTI SINGH, J

