

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

+ **OMP (MISC.) (COMM.) 108/2020 & IA No.3757-3758/2020**

**M/S.JETPUR SOMNATH TOLLWAYS
PRIVATE LIMITED**

..... Petitioner

Through: Ms.Tara Shahani, Advocate.

versus

**NATIONAL HIGHWAY AUTHORITY
OF INDIA**

..... Respondent

Through: Mr.Ramesh Kumar, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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27.04.2020

1. The hearing was conducted through video conferencing.
2. Issue notice. Notice is accepted by learned counsel for the respondent.
3. With the consent of parties, petition is taken up for final disposal today itself.
4. Petitioner has filed this petition under Section 29A(4) and (5) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the Act) seeking extension of time for conclusion of the arbitral proceedings and for making of the award.
5. As per the petitioner, arbitration was invoked on 01.08.2017 and on 04.08.2017 the arbitral Tribunal entered into reference. It is

contended that the arbitral proceedings constitute over 2.5 lakh pages of documents and the claim and counter claim are worth over Rs.2000 crores and the arbitral proceedings have got prolonged in view of the voluminous record.

6. It is contended that the time was extended until 31.03.2020, however, in view of the lockdown position the proceedings could not be concluded. It is submitted that the claimants are in the midst of addressing rejoinder arguments before the arbitral tribunal.

7. Learned Counsel for the Petitioner contends that the proceedings were delayed because Respondent had, by an application, sought to challenge the reliance placed by the Petitioner on certain documents contending that they were fresh documents and had also filed an application under section 13 of the Act and both the applications have been dismissed by the Arbitral Tribunal.

8. Learned counsel for the petitioner prays that keeping in view the present lockdown position as also the voluminous record, the time to conclude the arbitral proceedings and to make the award be extended until 31.12.2020.

9. Learned counsel appearing for the respondent submits that he has no objection to the extension of time until 31.12.2020, however, he submits that the extension be without prejudice to his right to take appropriate proceedings in accordance with law, at the appropriate stage, against the rejection of his applications.

10. In view of the above and the prevalent lockdown position submission the time for conclusion of the proceedings and making of the award is extended till 31.12.2020.

11. It is clarified that this order is without prejudice to the rights and contentions of the parties with regard to the documents and the orders of the arbitral Tribunal on the applications of the respondent.

12. Petition is disposed in the above terms.

13. Copy of the Order be uploaded on the High Court website and be also forwarded to the Counsels through email.

SANJEEV SACHDEVA, J

APRIL 27, 2020

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