

\$~7 (Original Side)

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

Date of Decision: 11th May, 2020

+ **O.M.P (MISC) 14/2020**

RATEGAIN TRAVEL TECHNOLOGIES
PVT LTD.

..... Petitioner

Through: Ms. Shimpy Arman Sharma,
Advocate. (M:9971550603 &
9871929156)

versus

UJJWAL SURI

..... Respondent

Through: Ms. Purnima Singh, Mr. Ajay
Tandon, Mr. Dipender Chauhan
and Mr. Rajesh Harnal,
Advocates. (M: 9810443999)

**CORAM:
JUSTICE PRATHIBA M. SINGH**

Prathiba M. Singh, J. (Oral)

1. This hearing has been held by video conferencing.
2. The present petition under Section 29A of the Arbitration and Conciliation Act, 1996 (*'the Act'*) has been filed seeking extension of time for passing of the award by the Arbitral Tribunal. The Tribunal entered reference on 26th October, 2017. A perusal of the last order dated 17th March, 2020 passed by the Tribunal shows that the matter is at the stage of recording of evidence and was fixed for the said purpose, during the lockdown period.
3. The present petition would, clearly, be covered by the order of the Supreme Court passed on 6th May, 2020 in *In re: Cognizance for*

Extension of Limitation, Sua Moto Writ (Civil) No. 3/2020, wherein the Supreme Court has directed as under:

“IA No.48411/2020 – FOR DIRECTIONS

By way of filing this application for directions, the applicant has made the following prayer:

“To issue appropriate directions qua (i) arbitration proceedings in relation to section 29A of the Arbitration and Conciliation Act, 1996 and (ii) initiation of proceedings under section 138 of the Negotiable Instruments Act, 1881;”

In view of this Court’s earlier order dated 23.03.2020 passed in Sua Motu Writ Petition (Civil) No.3/2020 and taking into consideration the effect of the Corona Virus (COVID - 19) and resultant difficulties being faced by the lawyers and litigants and with a view to obviate such difficulties and to ensure that lawyers/litigants do not have to come physically to file such proceedings in respective Courts/Tribunal across the country including this Court, it is hereby ordered that all periods of limitation prescribed under the Arbitration and Conciliation Act, 1996 and under section 138 of the Negotiable Instruments Act 1881 shall be extended with effect from 15.03.2020 till further orders to be passed by this Court in the present proceedings.

In case the limitation has expired after 15.03.2020 then the period from 15.03.2020 till the date on which the lockdown is lifted in the jurisdictional area where the dispute lies or where the cause of action arises shall be extended for a period of 15 days after the lifting of lockdown.

In view of the above, the instant interlocutory application is disposed of.”

4. In view of the order of the Supreme Court extracted above, where the time for passing of the award expired after 15th March 2020, the time for conclusion of proceedings and passing of award, would automatically stand extended in all arbitral proceedings for 15 days after lifting of the lockdown. Thus, in all cases where the time limit for passing of the award expired during the period of lockdown, no separate petition under Section 29A of the Arbitration & Conciliation Act, 1996, would be required to be filed. All arbitral proceedings would be governed by the order passed by the Supreme Court on 6th May, 2020. Parties would have a period of two weeks after the lockdown is lifted to approach the Court, if the need arises. In the meantime all arbitral proceedings can continue even through video-conferencing, if considered feasible.

5. In view of the above, time for conclusion of the evidence and for passing of the award, in the present case, is extended for a period of 6 months from today. Ld. Arbitral Tribunal may consider conducting the hearings and recording of evidence by video-conferencing, if considered feasible.

6. The petition is disposed of accordingly.

PRATHIBA M. SINGH
JUDGE

MAY 11, 2020/dk/Rg