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

Decided on 13th October, 2020

+ **O.M.P. (MISC) (COMM) 206/2020 and IA 8524/2020**

MS MBL INFRASTRUCTURE LTD. Petitioner
Through: Ms. Anusuya Salwan, Adv.

versus

rites LTD & ANR. Respondents
Through: Mr. G.S. Chaturvedi, Adv. for
Respondent No. 1
Mr. Vivek Goyal, CGSC for
Respondent No. 2

CORAM:
HON'BLE MR. JUSTICE C .HARI SHANKAR

ORDER (ORAL)

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13.10.2020
(Video-Conferencing)

C .HARI SHANKAR, J.

IA 8524/2020

1. Allowed, subject to all just exceptions.

2. The application is disposed of.

O.M.P. (MISC) (COMM) 206/2020

1. This is a petition under Section 29-A(5) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as "1996 Act"), seeking extension of time for completion of proceedings and rendition of

award by the learned sole arbitrator on the disputes between the parties.

2. Mr. Chaturvedi, learned counsel appearing for the Respondent No. 1, does not oppose the prayer for extension of time, but submits that extension should be granted for four months instead of six months, as sought. He further opposes the impleadment of Respondent No. 2 as the party in these proceedings stating that Respondent No. 2, i.e. Delhi Police is not a party before the learned sole arbitrator.

3. Ms. Anusuya Salwan, learned counsel appearing for the petitioner, expresses surprise at the submission of Mr. Chaturvedi and points out that, in fact, Respondent No. 1 had moved an application before the learned sole arbitrator to implead the Ministry of Home Affairs, through Dy. Commissioner of Police as Respondent No. 2. The learned sole arbitrator had, during the proceedings held on 4th July, 2020, expressed his displeasure at the moving of such application by Respondent No. 1 at a belated stage, when arguments were almost complete in the matter. However, in the interests of justice, the learned sole arbitrator directed that the Ministry of Home Affairs, through the DCP, Delhi Police, be intimated about the aforesaid impleadment application, preferred by Respondent no. 1.

4. As directed by the learned sole arbitrator, notice was issued to the Ministry of Home Affairs, through the DCP, Delhi Police Headquarters on 8th July, 2020. Ms. Anusuya Salwan also draws my

attention to a communication, dated 16th July, 2020, from the DCP, Land & Building Cell, Police Headquarters to Respondent No. 1, requesting that the arbitration matter may be defended “at right earnest”. Ms. Salwan submits that it is in these circumstances, she deemed it appropriate to implead the Ministry of Home Affairs, through, the Delhi Police as Respondent No. 2, in these proceedings.

5. While, in these circumstances, I am unable to find any flaw in the impleadment of Respondent No. 2, in these proceedings, the letter dated 16th July, 2020 seems to indicate that the DCP has required Respondent No. 1 to defend the arbitration proceedings in right earnest and as per provisions of the agreement. In any event, Mr. Vivek Goyal, learned Standing Counsel is present on behalf of the Ministry of Home Affairs, i.e. Respondent no. 2. He does not oppose the prayer for six months’ extension of time for the learned sole arbitrator to complete the arbitration proceedings, as sought in the application.

6. Section 29A(3) of the 1996 Act empowers the parties, by consent, to extend the period by a further period, not exceeding six months. Section 29A(4), which operates in default of Section 29A(3), stipulates that if the award is not made within the period already granted, the mandate of the arbitrator would stand terminated, unless the court extends the period. Such extension may, as per Section 24A(4), be granted either prior to or after expiry of the period already fixed.

7. Clearly, the discretion, regarding the period for which extension should be granted under Section 29(4)A of the 1996 Act, vests with the Court.

8. Ms. Anusuya Salwan submits that, in the interests of justice, six months' extension is required to be granted to the learned sole arbitrator to complete the proceedings and render award.

9. In the interests of justice and for completion of arbitral proceedings, I am inclined to accede to the prayer made by Ms. Anusuya Salwan. Accordingly, the period for completion of the proceedings and rendition of award by the learned sole arbitrator stands extended by a period of six months, commencing from today, i.e. 13th October, 2020.

11. The petition is allowed accordingly.

C. HARI SHANKAR, J.

OCTOBER 13, 2020

r.bararia