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

+ **O.M.P.(MISC.)(COMM.) 7/2021 & I.A. 194/2021**

M/S GPT-RAHEE (JV)

..... Petitioner

Through: Mr. Ranjit Prakash, Mr.
Anshuman Pande, Ms. Gaurika
Mohan & Ms. Vishalakshi
Singh

versus

M/S IRCON INTERNATIONAL LTD.

..... Respondent

Through: Mr. Suman K Doval, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER

07.01.2021

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(Video-Conferencing)

1. This is an application under Section-29A(4) of the Arbitration & Conciliation Act, 1996 (hereinafter referred to as the "1996 Act"). The arbitration, to which the application relates, and pertaining to the disputes between the parties to this application, was being conducted by Hon'ble Mr. Justice A. K. Sikri, an eminent retired Judge of the Supreme Court and a former Judge of this court.

2. The learned Arbitrator passed his award, in the arbitral proceedings, on 19th December, 2020. Section 33(1)(a) allows the parties, to any arbitral proceedings, to move an application for correction, before the learned arbitral tribunal, within 30 days of the receipt of the arbitral award. Section 33(2) grants 30 days' time to the

arbitral tribunal to consider the request made under Section 33(1)(a) and to pass orders thereof. The petitioner received the arbitral award, passed by the learned sole Arbitrator, on 19th December, 2020. An application under Section 33(1)(a), was preferred by the petitioner on 28th December, 2020, admittedly within the time available under Section 33(1)(a). Unfortunately, before the application could be decided and, even before the expiry of 30 days available under section 33 (2) for the learned Arbitrator to decide the application, the mandate of the learned Arbitrator expired on 1st January, 2021.

3. It is in these circumstances that the present application has been preferred, by the claimant before the learned Arbitrator, to grant extension of time under Section 29A(4) & (5) of the 1996 Act so that the learned Arbitrator could decide the application filed by the petitioner under Section 33(1)(a).

4. Mr. Suman Doval, learned counsel for the respondent, in all fairness, does not oppose the request, though he submits that the issue of whether extension of time, for deciding an application under Section 33(1)(a), can be granted under Section 29A(4) and (5) of the 1996 Act, may require adjudication in an appropriate case.

5. *Prima facie*, in my view, Section 29A(4) and (5) would also apply to grant of extension of time, in order to enable an arbitral tribunal to decide an application under Section 33(1)(a), as otherwise, in a case such as the present, the Section 33(1)(a) applicant, despite

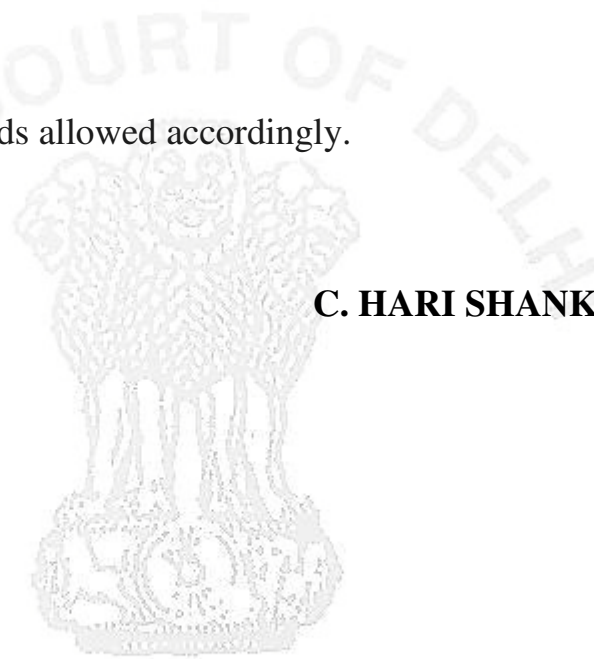
having preferred the application before the learned Arbitrator in time, would be divested of the right to have the application decided.

6. In any event, as Mr. Suman Doval fairly agrees to extension of time for the learned Arbitrator to decide the application of the petitioner under Section 33(1)(a), the time available with the learned Arbitrator stands extended by a period of two months, with effect from 1st January, 2021.

7. This petition stands allowed accordingly.

C. HARI SHANKAR, J.

JANUARY 7, 2021/ss



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