

\$~12 (2021)

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

% ***Date of decision: 24.11.2021***

+ O.M.P.(MISC.)(COMM.) 161/2021

RAIL VIKAS NIGAM LTD. Petitioner

Through: Mr.Udit Seth, advocate

Versus

SIMPLEX INFRASTRUCTURES LTD. Respondent

Through: Ms. Saraswati, Advocate

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (oral)

1. The present petition filed under Section 29 A(4) & (5) of the Arbitration and Conciliation Act, 1996 has been filed seeking extension of mandate of the arbitral tribunal adjudicating the disputes between the parties.

2. Pertinently, petitioner is a public sector enterprise under the Ministry of Railways of the Indian Government, who had entered into a contract for “Construction of Viaduct including related works for 4.78 Kms excluding the station area from Ch.(-)1250 to Ch.4128 between Joka to Behala

Chowrasta including approach at Joka-Package 1” with respondent on 28.01.2011. However, certain disputes arose between the parties, consequent thereto, respondent invoked arbitration and the Arbitral Tribunal was constituted on 28.12.2018.

3. It is averred on behalf of petitioner that the statutory time limit of one year for passing the Arbitral expired on 28.12.2019 and consequently, with the consent of both the sides on 09.01.2020, it stood extended for further six months i.e. till 28.06.2020. However, due to Covid pandemic, the hearings had to be deferred and thereby, the Arbitral Tribunal stood extended till 31.10.2020; 31.12.2020 and 30.04.2021.

4. Learned counsel for petitioner submits that matter is reserved for passing of Arbitral Award, however, due to voluminous record and complexities, further extension is sought to enable the Arbitral Tribunal to pronounce the Award.

5. Learned counsel appearing on behalf of respondent has supported the aforesaid submissions made on behalf of the petitioner.

6. Considering that the proceedings and arguments before the Arbitral tribunal have already been concluded, I hereby extend the mandate and time

of the Arbitral Tribunal up to 31.01.2022 for preparing and pronouncing the Award.

7. With aforesaid, the present petition is accordingly disposed of.

(SURESH KUMAR KAIT)
JUDGE

NOVEMBER 24, 2021

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