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

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Date of decision: 24.11.2021

+ O.M.P.(MISC.)(COMM.) 170/2021

IRCON INTERNATIONAL LIMITED Petitioner

Through Mr.Gauhar Mizra & Mr.Prakhar
Deep, Advs.

versus

HINDUSTAN CONSTRUCTION CO. LTD Respondent

Through Mr.Rishi Agrawala & Ms.Shruti
Arora, Advs.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (oral)

IA No. 15212/2021 (exemption)

1. Allowed with direction to file typed/dim/original/certified copy of documents within six weeks of this order.
2. Application is disposed of.

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

4. Learned counsel for the petitioner has contended that learned Arbitral Tribunal was constituted on 06.02.2018 comprising of Hon'ble Mr. Justice S. S. Nijjar (Retd.) (Presiding arbitrator), Mr. Suresh Kumar and Mr. M Ravindra, however, due to unfortunate demise of Mr. Justice S. S. Nijjar (Retd.), the arbitral tribunal was reconstituted with the members Hon'ble Justice Ms. Indu Malhotra (Retd.) (Presiding arbitrator), Mr. Suresh Kumar and Mr. M Ravindra.

5. Learned counsel for the petitioner has further pointed out that the limitation period for passing the award expired on 06.05.2020, however, in March 2020, after the outbreak of COVID-19 pandemic, the Hon'ble Supreme Court of India in ***Suo Motu Writ petition (Civil) No.3 of 2020, in Ref: Cognizance for extension of Limitation*** vide order dated 23.03.2020 suspended the limitation period for all proceedings before the Courts/ Tribunals w.e.f.15.03.2020. Certainly, after reduction in the cases of COVID-19, the Hon'ble Supreme Court of India has recently directed that the limitation period from 15.03.2020 till 02.10.2021, shall remain excluded and the same shall be restored w.e.f. 03.10.2021.

6. Learned counsel appearing on behalf of the parties submit that in view of the abovementioned recent directions of the Hon'ble Supreme Court of

India, the mandate of the learned Arbitral Tribunal shall expire on 02.01.2022.

7. Mr. Rishi Agrawala, learned counsel appearing on behalf of the respondent submits that as the arbitral proceedings are at the stage of filing of documents and recording of ex parte evidence, thus, he has no objection if the present petition is allowed.

8. In view of the reasons stated in the present petition and submission of learned counsel for the parties, I hereby extend the mandate of learned arbitrator tribunal comprising of Hon'ble Justice Ms. Indu Malhotra (Retd.) (Presiding arbitrator), Mr Suresh Kumar and Mr. M Ravindra for a period of one year i.e. upto 03.01.2023.

9. With aforesaid, the present petition is disposed of.

(SURESH KUMAR KAIT)
JUDGE

NOVEMBER 24, 2021
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