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

% *Date of Decision: 3rd August, 2023*

+ **O.M.P.(MISC.)(COMM.) 222/2023**

AB GRAIN SPIRITS PVT. LTD. & ANR. Petitioners
Through: Mr. Ankit Virmani,
Mr. Tanmay Mehta and Ms. Malvika Arya,
Advocates.

versus

GOVERNMENT OF NCT OF DELHI Respondent
Through: Mr. Vishal Chanda, Advocate.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTI SINGH, J. (ORAL)

I.A. 13798/2023 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. Present petition has been filed by Petitioner under Section 29A of Arbitration and Conciliation Act, 1996 (hereinafter referred to as the '1996 Act') seeking extension of time of 12 months for conclusion of arbitration proceedings and passing of the award.
4. Issue notice.
5. Mr. Vishal Chanda, learned counsel accepts notice on behalf of Respondent and submits, on instructions, that he has no objection to the time being extended and petition being allowed.



6. Petitioner No. 1 entered into Concession Agreement with the Respondent on 11.01.2011 for operation of stage carriage services in Cluster Nos. 3, 4 and 5 and Petitioner No. 2 entered into the Agreement on 20.06.2013 for operation of stage carriage services in Cluster No. 9. Disputes having arisen between the parties, Petitioner No. 1 filed a petition before this Court under Section 11(6) of the 1996 Act seeking appointment of an Arbitrator. This Court appointed a sole Arbitrator, however, the Arbitrator so appointed recused himself from the matter indicating his inability to complete the proceedings within the timelines stipulated in Section 29A of the 1996 Act.

7. On an application being filed by the Petitioners, this Court appointed another Arbitrator on 05.07.2017.

8. It is the case of the Petitioners that proceedings have been regularly conducted by the learned Arbitrator, however, there are several statements of claims and the questions involved are complex besides the record being voluminous and running into thousands of pages. Petitioners have also filed expert reports and therefore it is taking time for the proceedings to conclude. In between, the proceedings could not be held on account of Pandemic COVID-19. It is stated that from time to time this Court has extended the period for conclusion of the proceedings and currently the proceedings are at a stage where substantial arguments have been heard.

9. Learned counsel for the Petitioners submits that vide order dated 25.05.2022 in OMP (MISC.) COMM 65/2022, this Court had extended the time for completion of the proceedings and passing of the award by one year which has expired on 12.05.2023 and therefore the time be further extended by 12 months.



10. Having heard the learned counsel for the Petitioners and for the reasons stated in the petition as well as in view of the no objection given by the Respondent, this Court deems it appropriate to extend the mandate of the learned Arbitrator by a further period of 12 months from today.

11. Petition stands disposed of in the aforesaid terms.

JYOTI SINGH, J

AUGUST 03, 2023/ck/shivam