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

+ O.M.P.(MISC.)(COMM.) 96/2024
DSC LIMITED

Through: Mr. Saurabh Chaturvedi,
Advocate.

..... Petitioner

versus

UNION OF INDIA (DGMAP)

Through: Mr. Sandeep Kumar Mahapatra,
CGSC with Mr. Tribhuvan,
Advocate.

..... Respondent

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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13.02.2024

I.A. 3418/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

O.M.P.(MISC.)(COMM.) 96/2024

1. This petition has been filed under Section 29A of the Arbitration and Conciliation Act, 1996, for extension of the mandate of the learned arbitrator who is in *seisin* of disputes between the parties under a contract dated 30.01.2012.

2. Learned counsel appears on behalf of the respondent – Union of India and submits that the award having been reserved, the Union of India has no objection to grant of the relief sought.

3. In find that the arbitral proceedings commenced in the year 2019. The order of the Tribunal dated 14.07.2022 states that the arguments were concluded and time was granted for filing of written submissions. This



process was also concluded by 20.10.2022 as recorded in the order of that date.

4. In the meanwhile, the parties have repeatedly consented to extension of time under Section 29A, which has been granted by orders of this Court dated 25.08.2022, 24.03.2023 and 12.10.2023, in OMP(MISC) COMM 133/2022, O.M.P.(MISC.)(COMM.) 91/2023, and O.M.P.(MISC.)(COMM.) 506/2023 respectively.

5. By virtue of the last of these orders, extension was granted for a period of four months with effect from 23.09.2023 i.e., until 22.01.2024. However, the learned arbitrator has addressed a further communication to the parties on 12.01.2024 stating that he has not been able to publish the award even during the extended period due to certain health issues and that a further hearing is required for reconciliation of documents.

6. Although both parties are agreeable to extension of the mandate as recorded above, it is evident that the matter has been pending at this stage for an unduly long period of time. The learned arbitrator is therefore requested to ensure that the award is made within a period of three months from 22.01.2024. It is made clear that if any clarifactory hearings are required, the same must be held expeditiously, so that no further extension of time is required for making the award.

7. The mandate of the arbitral tribunal is extended for a period of three months from 23.01.2024, with the above observations.

PRATEEK JALAN, J

FEBRUARY 13, 2024

“Bhupi”/