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

+ **O.M.P.(MISC.)(COMM.) 112/2024**

**MS WAINGANGA EXPRESSWAY
PRIVATE LIMITED**

..... Petitioner

Through: Ms. Vijaya Singh, Ms. Moonmoon
Nanda, Ms. Divya Kashyap & Ms.
Abhishree Manikantan, Advs. (M:
9971988580)

versus

**NATIONAL HIGHWAYS
AUTHORITY OF INDIA**

..... Respondent

Through: Ms. Sangeeta Bharti, Mr. Ashish
Kumar & Ms. Malvi Balyan, Advs.
(M: 7838381996)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 19.02.2024

1. This hearing has been done through hybrid mode.

I.A. 3839/2024 (for exemption)

2. This is an application seeking exemption from filing originals/certified copies of documents, etc. Original documents shall be produced/filed, if sought, strictly as per the provisions of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.

3. Exemption is allowed, subject to all just exceptions. Application is disposed of.

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4. This is a petition under Section 29A of the Arbitration and



Conciliation Act, 1996 filed by the Petitioner - M/s Wainganga Expressway Pvt. Ltd. seeking extension of the mandate of the Arbitral Tribunal.

5. Ld. Counsel for the Respondent submits that they have no objection to the same.

6. The dispute in the present matter pertains to a Concession Agreement dated 21st June, 2011 entered into between the parties for the execution of four laning of Nagpur- Wainganga Bridge Section of NH-06 from Km. 498.000 to Km. 544.200 in the State of Maharashtra on Design, Build, Finance, Operate and Transfer (DBFOT) Basis under NHDP Phase-III. It is stated there was breach of various terms of the Agreement by the Respondent i.e., National Highways Authority of India, leading to the Petitioner incurring losses and expenses directly because of the breaches of the Respondent. Therefore, the matter was referred to Arbitration under clause 44.2 of the Agreement for adjudication of disputes between the parties.

7. The Court has perused the email dated 1st February, 2024 sent by the Presiding Arbitrator, who has requested the Counsels to seek extension, due to a medical condition in the family of the Presiding Arbitrator.

8. Since the matter has been reserved for award, the mandate of the Tribunal is extended by another six months from 1st March, 2024.

9. Petition, with all pending applications, if any, is disposed of.

PRATHIBA M. SINGH, J.

FEBRUARY 19, 2024/dk/bh