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

+ **O.M.P.(MISC.)(COMM.) 139/2024 & I.A. No. 4574/2024**

**NATIONAL HIGHWAYS AUTHORITY OF INDIA THROUGH
PROJECT DIRECTOR** Petitioner

Through: Mr. S. Nandakumar and Ms. Deepika
Nandakumar, Advs. (M: 9711165600)

versus

**M/S. PROGRESSIVE CONSTRUCTION LTD. THROUGH
AUTHORISED REPRESENTATIVE** Respondent

Through: Mr. Arjun D. Singh, Adv. (M:
9871298532)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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28.02.2024

1. This hearing has been done through hybrid mode.

I.A. 4574/2024 (for exemption)

2. This is an application filed by the Plaintiff seeking exemption from filing originals/certified/cleared/typed or translated copies of documents, proper margins, electronic documents, etc. Original documents shall be produced/filed at the time of Admission/Denial, 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. Accordingly, the application is disposed of.



O.M.P.(MISC.)(COMM.) 139/2024

4. The present petition under Section 29A(4) of the Arbitration and Conciliation Act, 1996 (*hereinafter*, “Act”) filed by the Petitioner-National Highways Authority of India seeks extension of the mandate of Id. Arbitrator by eight weeks from 26th February, 2024 for passing the award.

5. In the present matter, Id. Counsel for the Petitioner prays for three months’ extension of the mandate of the Id. Arbitrator.

6. It is submitted by Id. Counsel for the Petitioner, that in a connected petition i.e., O.M.P. (MISC.)(COMM.) 122/2024 which also arises out of the same dispute, the mandate of the Id. Arbitrator has been extended by the Court by a period of three months.

7. The present matter is pending before the Id. Arbitrator for passing of the final award. The Id. Counsel for the Petitioner prays for extension of the mandate of the Id. Arbitrator for a period of three months. Accordingly, the mandate of the Arbitrator is extended by a period of three months with effect from 26th February, 2024.

8. In view of the fact that in ***O.M.P. (MISC.)(COMM.) 122/2024*** for the same dispute, this Court has extended the mandate of the Id. Arbitrator vide order dated 21st February, 2024 for three months, the said order would also enure to the benefit of the Petitioner. The order dated 21st February, 2024 is extracted below:

“1. The petition under Section 29A (4) and 29A (5) of the Arbitration and Conciliation Act, 1996, has been filed on behalf of the petitioner, seeking two months’ extension for the Arbitrator to pass the Arbitration Award.

2. It is submitted that the final arguments have been concluded and only the award is to be passed. The



mandate of the learned Arbitrator is expiring on 26.02.2024. Hence, the learned counsel for the respondent has no objection to the extension.

3. It is requested that considering the ill-health of the learned Arbitrator, the extension may be granted for three months.

4. Considering the submissions made, the mandate of the learned Arbitrator is extended by three months from 26.02.2024.

5. The petition is disposed of. The pending application also stands disposed of. ”

9. Petition is disposed of. All pending applications are also disposed of.

PRATHIBA M. SINGH, J

FEBRUARY 28, 2024

dj/rks