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

+ O.M.P.(MISC.)(COMM.) 153/2024
FLAT OWNERS ASSOCIATION OF MEDIA MAGESTIC
TOWER (FOAM) Petitioner

Through: Ms. Purnima Maheshwari,
Advocate.

versus

AMTECH ENGINEERS Respondent

Through: Mr. Subham Chouhan, Ms.
Vindhya Singh, Mr. Prakash
Gautam, Advocates.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **29.02.2024**

I.A. 4755/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

O.M.P.(MISC.)(COMM.) 153/2024

1. The petitioner has filed this petition under Section 29A of the Arbitration and Conciliation Act, 1996 ["the Act"], for extension of the mandate of the Arbitral Tribunal which is in *seisin* of disputes between the parties under an agreement dated 09.01.2018.

2. Ms. Vindhya Singh, learned counsel, enters appearance on behalf of the respondent.

3. It is undisputed that the agreement provides for resolution of disputes by arbitration. The parties by consent referred their disputes



under the aegis of Indian Council of Arbitration [“ICA”], and a sole arbitrator was initially appointed on 10.04.2022. The learned arbitrator resigned by a communication dated 01.02.2024, and ICA has appointed Dr. Justice Vineet Kothari, former Judge of the Gujarat High Court, as the arbitrator in his place.

4. There is some controversy between the parties as to whether the mandate of the arbitral tribunal has already expired. According to Ms. Purnima Maheshwari, learned counsel for the petitioner, the mandate of the arbitral tribunal has expired. However, according to Ms. Singh, the mandate has not yet expired.

5. However, learned counsel for both parties are *ad-idem* that the arbitration proceedings should continue under the new arbitrator appointed by the ICA, and that the mandate can be extended until 28.02.2025.

6. I am informed that the pleadings have been completed in the arbitration and issues have been framed, but evidence is yet to be led.

7. As Section 29A (4) of the Act permits an order of extension of time, either prior to or after the expiry of the mandate, it is not necessary to enter into the difference as to the computation of time.

8. With the consent of learned counsel for the parties, the petition is disposed of with the direction that the mandate of the learned arbitrator shall stand extended till 28.02.2025.

PRATEEK JALAN, J

FEBRUARY 29, 2024

“Bhupi”/