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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(MISC.)(COMM.) 170/2024**
TECHNO INDUSTRIES PVT LTD

.....Petitioner

Through: Mr. AS Pandey, Adv.
versus

RATTAN INDIA NASIK POWER LTD & ANR.

.....Respondent

Through: Mr. Somesh Srivastava, Mr.
Ramakant, Mr. Karan Gandhi, Adv. for R1
Mr. Kushagra Pandit, Adv. for R2

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

31.07.2024

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1. This is a petition filed under section 29A (5) of Arbitration and Conciliation Act, 1996 seeking extension of the mandate of the Arbitral Tribunal by a period of 6 months from 21.02.2024.
2. It is stated by Mr Pandey, learned Counsel for the petitioner that the matter is at the stage of final arguments but there was another connected matter and hence, the delay.
3. In the present case, the notice was issued on 04.03.2024 and the reply has been filed by the respondent No.2.
4. It is stated by Mr. Srivastava, learned counsel for the respondent No.1 i.e. Rattan India Nasik Power Ltd. now known as M/s Sinnar Thermal Power Limited that the respondent No.1 is under CIRP and a Resolution Professional (RP) Mr. Rahul Jindal has already been appointed.
5. For the said reason, Mr. Pandey, learned counsel for the petitioner has no objection if the respondent No.1 is dropped from the Arbitration



proceedings in view of the insolvency proceedings against the respondent No.1 with liberty to revive as and when the resolution plan is approved.

6. Mr Pandey further states that the proceedings against the respondent No.2 be continued.
7. Mr. Pandit, learned counsel for the respondent No.2 has taken objection in his response regarding the respondent No.1 being under insolvency and the respondent No.2 not being a signatory to the Arbitration Agreement.
8. As far as the respondent No.1 being under insolvency is concerned, the statement of Mr. Pandey, learned counsel that they are not proceeding against the respondent No.1 suffices.
9. As regards the objection that the respondent No.2 was not a signatory to the Arbitration Agreement, the said issue was duly considered by this Court in its order dated 17.01.2022 while referring the disputes to Arbitration. Hence, the same cannot be re-agitated in this petition seeking extension of the mandate of the Arbitral Tribunal.
10. For the said reasons, the present petition is allowed and the mandate of the Arbitral Tribunal is extended by a period of 6 months from today i.e. 31.07.2024.
11. The period from 21.02.2024 till today stands regularised.
12. The petition is disposed of.

JASMEET SINGH, J

JULY 31, 2024 / (MS)

[Click here to check corrigendum, if any](#)