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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(MISC.)(COMM.) 207/2024**
ANIL GOYAL

..... Petitioner

Through: Mr. Ravi Kapoor, Mr. Rishav
Ambastha, Ms. Shreya Kunwar, Adv.

versus

PRAKASH PLASTIC INDUSTRIES & ORS.

..... Respondent

Through: Ms. Neha Kapoor, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

10.05.2024

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1. This is a petition under section 29A(4) and (5) of the Arbitration and Conciliation Act, 1996 seeking enlargement of the mandate of the Arbitral Tribunal by 12 months in case titled as “*Mr. Anil Goyal vs. Prakash Plastic Industries & Ors.*”
2. It is stated that in the past, the arbitrator has been changed twice and the present arbitrator entered reference only in October, 2023.
3. The mandate of the present arbitrator expired on 28.02.2024. For the said reason, the delay has occurred.
4. Ms. Kapoor, learned counsel for the respondent opposes the petition on the ground that whether the application under Section 29A(4) and (5) of the Arbitration and Conciliation Act, 1996 was filed prior to the expiry of the mandate or subsequent is pending adjudication before the Hon'ble Supreme Court. Secondly, the arbitration proceedings have been pending since the year 2016 and a considerable time has already elapsed.



5. As regards the first issue is concerned, the Coordinate Bench of this Court in *ATS Infrastructure Ltd. and Anr. v. Rasbehari Traders*, O.M.P. (T) (COMM.) 91/2023, decided on 17.11.2023 has already taken a view.
6. Relying on the said decision, I have also taken a view in *PSA Protech and Infralogistics Pvt. Ltd. v. Food Corporation of India*, O.M.P. (MISC.) (COMM.) 517/2023, decided on 21.02.2024, that the petition under Section 29A(4)&(5) of the Arbitration and Conciliation Act, 1996 can be filed after the expiry of the mandate of the arbitral tribunal.
7. Insofar as the delay in arbitration is concerned, the same is a serious concern. The whole premise of arbitration is expeditious disposal. However, in the present case, about 2 years have passed on account of Covid-19 pandemic.
8. It is also stated that one of the witnesses was examined over 6 days.
9. In my view, sufficient cause has been shown for the said delay.
10. Since the parties have already expended considerable time, effort and energy before the arbitrator, I am inclined to allow the petition and as a last and final opportunity, a period of 12 months is granted to the arbitrator to conclude the arbitration proceedings, make and publish the award as well as, if required, hold day-to-day hearing.
11. With the said observations, the petition is allowed and disposed of.

JASMEET SINGH, J

MAY 10, 2024 / (MS)