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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P.(MISC.)(COMM.) 219/2024

MECAMIDI HPP INDIA PRIVATE LIMITED Petitioner

Through: Mr. Saket Singh, Adv. (M-9649914305)

versus

BIHAR STATE HYDROELECTRIC POWER CORPORATION LIMITED Respondent

Through: Ms. Vani Raj Tripathi, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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15.03.2024

1. This hearing has been done through hybrid mode.

I.A. 6129/2024 (for exemption)

2. This is an application seeking exemption from filing original documents. Original documents shall be produced/filed at the time of Admission/Denial, if sought, strictly as per the provisions of the Commercial Courts Act and the DHC (Original Side) Rules, 2018.

3. Exemption is allowed, subject to all just exceptions.

4. Accordingly, application is disposed of.

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5. This is a petition under Section 29A of the Arbitration and Conciliation Act, 1996 (*hereinafter, '1996 Act'*). By way of the present petition, the Petitioner-Mecamidi HPP India Pvt. Ltd. seeks further extension of time for conclusion of arbitral proceeding before the Id. Sole Arbitrator being adjudicated under the aegis of the Delhi International



Arbitration Centre (*hereinafter*, 'DIAC').

6. A brief background of the present petition is that a Letter of Intent dated 18th August, 2010 was issued by the Respondent-Bihar State Hydroelectric Power Corporation Ltd. for renovation and modernisation and capital overhauling of certain units of the Kosi Hydel Power Station. In pursuance of the said Letter of Intent, an Agreement dated 18th November, 2010 was entered into between the parties. Disputes arose between the parties regarding supply of services and payments under the said Agreement, leading to arbitral proceedings between the parties. The arbitral tribunal, under the aegis of the DIAC has been hearing the matter from time to time. Thereafter, since the mandate of the Id. Sole Arbitrator was set to expire in February, 2023, the Petitioner filed the first petition being ***O.M.P. (Misc.) (Comm.) No. 59 of 2023*** seeking extension of mandate of the Id. Sole Arbitrator. Vide order dated 10th May, 2023, the mandate was extended by a period of 9 months. The said extended period has expired on 10th February, 2024. Thus, the second petition has been filed seeking extension of the mandate.

7. Heard. According to the Petitioner, the Id. Sole Arbitrator is already seized of the matter. The matter is at the stage of final arguments and the right to cross-examination by the Respondent was closed vide order dated 12th July, 2023. It is submitted that an application has been filed by the Respondent seeking permission to lead evidence. The application is pending before the Id. Arbitrator. Both the parties have consented to the extension of the mandate of the Id. Sole Arbitrator in terms of the Section 29A of the 1996 Act.

8. Considering the above circumstances, let the arbitral proceedings



continue. The mandate is extended by one more year. Ld. Arbitrator shall endeavor to conclude the proceedings as expeditiously as possible, without giving any unnecessary adjournments.

9. The present petition, along with pending applications, is disposed of.

PRATHIBA M. SINGH, J

MARCH 15, 2024

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