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

+ **O.M.P.(MISC.)(COMM.) 323/2024**

SHRI RAJ VARDHAN PRATAP SINGH Petitioner

Through: Mr. Manav Bhalla with Mr.
Abhimanyu Tewari, Advocates *via*
video-conferencing.

versus

M/S BHASIN INFOTECH AND INFRASTRUCTURE PVT. LTD.

..... Respondent

Through: Mr. Hitish with Mr. Anuvrat Singh,
Proxy Counsel.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

28.05.2024

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By way of the present petition filed under section 29A(5) of the Arbitration & Conciliation Act 1996 ('A&C Act'), the petitioner seeks extension of the mandate of the learned Sole Arbitrator for a period of 06 months.

2. Notice on this petition was issued *vide* last order dated 29.04.2024.
3. Learned counsel has entered appearance on behalf of the respondent; and seeks further time to file a reply submitting that they were served recently in the matter.
4. Mr. Manav Bhalla, learned counsel appearing for the petitioner submits, that the respondent had declined consent for the 06-month extension of mandate contemplated under section 29A(3) of the A&C Act for the learned Arbitrator.
5. Mr. Bhalla further submits, that the learned Arbitrator was appointed *vide* order dated 02.02.2023 made in ARB.P. No. 1223/2022; and the arbitral proceedings have got somewhat delayed by reason of the



respondent having raised an objection in relation to stamping of Allotment Letter dated 06.03.2012, that is subject matter of the present proceedings.

6. Mr. Bhalla submits, that this was recorded in order dated 20.09.2023 made by the learned Arbitrator; whereupon the learned Arbitrator was compelled to hear arguments on this issue, which arguments were also delayed by the respondent giving various excuses, as is evidenced from the proceedings sheets.
7. Mr. Bhalla also submits, that as is evident from a perusal of the proceedings sheets, the issue of determining the proper stamp-duty payable on the allotment letter went back-and-forth between the Collector in Uttar Pradesh and the learned Arbitrator, which finally came to a closure as recorded in orders dated 06.03.2024 and 12.03.2024. Only after the petitioner paid the requisite stamp duty, the respondent expressed their no-objection to continuation of the arbitral proceedings.
8. Thereafter however, as recorded in procedural orders dated 27.03.2024 and 28.03.2024, the respondent expressed inability to give extension of mandate to the learned Arbitrator on a consensual basis as provided under section 29A(3) of the A&C Act.
9. In the meantime however, the mandate of the learned Arbitrator has expired on 30.03.2024, after which no proceedings have been conducted.
10. Learned counsel for the respondent has been heard briefly in the matter.



11. In the opinion of this court no purpose will be served by awaiting a formal reply to this petition.
12. Upon a conspectus of the averments contained in the petition and the submissions made, the petition is allowed; and the mandate of the learned Arbitrator is extended, as prayed-for, by 06 months from today.
13. It is further observed that any proceedings undertaken after expiration of the previous mandate shall also stand validated and regularised.
14. The petition stands disposed-of in the above terms.
15. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

MAY 28, 2024

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