



2024:DHC:5504



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **O.M.P.(MISC.)(COMM.) 333/2024****M S NARAYAN MOBILE ACCESSORIES PVT LTD**

.....Petitioner

Through: Mr. Rohit Goel, Mr. Avdhesh
Rai, Ms. Bindu and Mr. Deepankar Singh,
Advs.

versus

M S INTEX TECHNOLOGIES INDIA LTDRespondent

Through: Mr. Karamveer, Adv.

CORAM:**HON'BLE MR. JUSTICE C. HARI SHANKAR****ORDER (ORAL)**

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25.07.2024

1. By this application under Section 29A(4) of the Arbitration and Conciliation Act 1996 (the 1996 Act), extension of the mandate of the learned Arbitrator, who is presently in *seisin* of the dispute between the parties, is sought.

2. The mandate of the learned Arbitrator initially expired on 23 August 2018. The petitioner mistakenly filed an application before the learned District Judge for extension of the mandate of the learned Arbitrator and the learned District Judge, equally mistakenly, granted extension by order dated 23 November 2020 for a period of six weeks. That order was, however, never taken in appeal or otherwise assailed by either party.

3. Thereafter, it is submitted that COVID intervened and the file



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was misplaced in the office of the DIAC. Ultimately, on 2 March 2023, the following order came to be passed by the learned Arbitrator:

“ARBITRATION PROCEEDING DATED: 02.03.2023
(Through: Physical Hearing)

Present:

For the Claimant: Mr. Avdesh Rai, Advocate
Mr. Mayank Tanwar, Advocate

For the Respondent: Mr. Suraj Kumar and
Mr. Satyam Singh, Advocates

For the DIAC: Mr. Nikhil Rajput, Deputy Counsel

ORDER

The Respondent's Advocate has filed his Vakalatnama. It is further stated by the Counsel that the Email-id of the AR of the Respondent "rishabh.mehrotra@intex.in" and his Mobile No. 9654099030.

Both the parties have brought their respective records of the matter which have been reconciled and it has been agreed by both the Counsels that they shall get the said record photo copied in proper format and font size and the same shall be provided to the Arbitrator within a period of two weeks from today, the expenses towards the same shall be equally borne by both the parties.

Parties seek further time and state that they shall take appropriate steps for seeking directions from the appropriate Court for extension of the mandate of the Arbitrator. It is also agreed that once such directions are received by the parties the same shall be communicated to the DIAC and further date for proceeding with the Arbitration matter will be fixed accordingly.

(DEEPALI GUPTA)
SOLE ARBITRATOR
02.03.2023”

4. The petitioner, in terms of the aforesaid order, once again approached the learned District Judge (Commercial Courts), Tis



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Hazari, for extension of the mandate of the learned Arbitrator.

5. The learned District Judge (Commercial Courts), by order dated 5 December 2023, expressed his inability to grant the request as he did not have the jurisdiction to do so.

6. The petitioner has thereafter filed the present petition before this Court.

7. Mr. Karamveer, learned Counsel for the respondent, does not oppose the application.

8. As such, the mandate of the learned Arbitrator shall stand extended by a period of six weeks reckoned from today.

9. The petition is disposed of in the aforesaid terms, with no order as to costs.

C. HARI SHANKAR, J.

JULY 25, 2024

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Click here to check corrigendum, if any