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

+ **O.M.P. (MISC.) 15/2024 and I.A. 10287/2024**

M/S NATIONAL COMMODITIES MANAGEMENT SERVICES
LIMITED (FORMERLY KNOWN AS M/S NATIONAL
COLLATERAL MANAGEMENT SERVICES LIMITED). Petitioner

Through: Mr. Vishal Bhatnagar, Adv. (M:
9313674756)

versus

M/S JAGDAMBA RICEMILL AND ANR. Respondent

Through: Mr. Tejas Chhabra, Adv. (M:
9999436466)

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **07.05.2024**

1. This hearing has been done through hybrid mode.

I.A.10287/2024 (for delay)

2. This is an application for condonation of delay. For the reasons stated in the application, the delay is condoned. Application is disposed of.

O.M.P. (MISC.) 15/2024

3. The present petition has been filed on behalf of the Petitioner/Claimant-M/s National Commodities Management Services Ltd. under Section 29A of the Arbitration and Conciliation Act, 1996 seeking extension of the mandate of ld. Arbitrator.

4. It is stated in the petition that dispute in the present case arises out of a Milling Agreement dated 30th December, 2015 (*hereinafter*, 'Agreement')



which was executed between the parties herein. Further, the Petitioner invoked arbitration under Section 21 of the Arbitration and Conciliation Act, 1996 vide legal notice dated 30th December, 2019 in terms of the Clause 20 of the Agreement. Subsequently, vide order dated 9th July, 2021 in Arb. P. 139/2021, the Id. Sole Arbitrator was appointed in the matter to adjudicate the disputes that have arisen between the parties. A review of this order was also sought which was rejected on 15th September, 2021 permitting the Food Corporation of India to take all the contentions before the Id. Arbitral Tribunal.

5. As per the petition, the Petitioner/Claimant had filed its claims and subsequently, in 2022, the statement of defence is also stated to have been filed. However, on 6th September, 2022 the Respondent expressed his inability to pay the fee of the Id. Arbitrator. On 17th October, 2022 pleadings were completed and issues were framed. It is further stated that on 10th May, 2023 Id. Counsel stated that he did not have any instructions to appear and consequently, the case was proceeded ex-parte. The evidence was also led by the claimant and at the stage of final arguments, an application was moved seeking to recall the *ex parte* order and for filing of the counter claim. This has led to delay in the arbitration proceedings.

6. The Court has perused the proceeding sheets of the Id. Arbitrator which would show that the matter is currently at the stage of completion of pleadings in the counter claim. The Claimant is required to file a reply to the counter claim along with the documents. The matter is fixed on 20th May, 2024.

7. Considering the nature of the matter and the stage thereof, the mandate of the Id. Arbitrator is extended for further period of 9 months. It is



made clear that this Court has not examined the validity or otherwise of permitting the counter claim by the Respondent to be filed at a late stage.

8. The petition is disposed of. All pending applications are disposed of.

PRATHIBA M. SINGH, J.

MAY 7, 2024

dj/rks