



2024:DHC:6893



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **O.M.P.(MISC.)(COMM.) 392/2024****SUYOJIT INFRASTRUCTURE PVT. LTD.Petitioner**

Through: Mr. Parivesh Singh, Mr. Sameer
Chandwani and Mr. A. Singh Chauhan,
Advs.

versus

**IIC LIMITED (UNDER LIQUIDATION)
& ANR.**

.....Respondent

Through: Mr. Karan Gandhi, Mr.
Somesh, Mr. Sikhar Tiwari, Advocates for
R2

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

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06.09.2024

1. This is a petition under Section 29A(4) of the Arbitration and Conciliation Act 1996¹ seeking extension of the mandate of the learned Arbitral Tribunal, who was *in seisin* of the dispute between the parties.

2. The mandate of the learned Arbitral Tribunal is stated to have expired on 22 July 2023.

3. There is no reply to this petition from either of the respondents. Respondent 1 is absent when the matter is called out. Mr. Karan Gandhi, who represents the IRP in charge of the affairs of the Respondent 2, submits that as Respondent 1 is in liquidation and



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Respondent 2 is facing IRP proceedings, the mandate of the Arbitral Tribunal cannot be extended.

4. Mr. Parivesh Singh, learned counsel for the petitioner submits that this issue has already been addressed by a Coordinate Bench of this Court in ***Larsen and Toubro Ltd v IIC Limited***², in which this Court has held that the fact that the respondent may be facing CIRP proceedings in which an IRP may have even been appointed or facing liquidation, cannot be served as an impediment on the Court extending the mandate of the learned Arbitral Tribunal.

5. Needless to say, these aspects can also be urged by the respondents before the learned Arbitral Tribunal, which can take a view thereon.

6. No other ground for opposing the prayer for extending the mandate of the learned Arbitral Tribunal having been adduced, the mandate stands extended by a period of six months from today. The mandate of the Arbitral Tribunal shall be treated as continuing from the date of its expiry till today.

7. The petition stands disposed of in the aforesaid terms.

C. HARI SHANKAR, J.

SEPTEMBER 6, 2024/yg

Click here to check corrigendum, if any

¹ “the 1996 Act”, hereinafter

² **Order dated 2 February 2024, passed in OMP (MISC)(COMM) 426/2023**