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

+ **O.M.P.(MISC.)(COMM.) 243/2023**

DHARMENDRA SINGH RATHORE

.....Petitioner

Through: Mr. Anand Srivastava, Mr. Ajay
Chawla, Mr. Aashish Srivastava,
Advocates.

versus

MAJOR PRIYANKA GUPTA (RETD.)

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

18.11.2024

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1. This is a petition under Section 29A (4) & (5) of the Arbitration & Conciliation Act, 1996 seeking extension of mandate of the Arbitral Tribunal for making the arbitral award.
2. Material on record indicates that arbitral proceedings between the parties arise out of a Partnership Deed dated 14.09.2018. It is stated that since there was failure on the part of the Respondent in releasing the outstanding share amount to the Petitioner, arbitration was invoked by the Petitioner in terms of Clause 12 of the Partnership Deed.
3. It is stated that an Arbitrator was appointed by this Court on 28.03.2022 and the arbitration proceedings commenced on 19.04.2022.
4. It is stated that since mandate of the Arbitral Tribunal for making the award has come to an end on 07.08.2023, the Petitioner has approached this Court for extension of time for making the award.



5. It is stated by the learned Counsel for the Petitioner that additional time of at least six months would be required for making the Arbitral Award.
6. There is no appearance on behalf of the Respondent.
7. The Apex Court in Rohan Builders (India) Private Limited v. Berger Paints India Limited, **2024 SCC OnLine SC 2494**, has held that an application for extension of the time period for passing an arbitral award under Section 29A(4) read with Section 29A(5) is maintainable even after the expiry of the twelve-month or the extended six-month period, as the case may be.
8. In view of the fact that the learned Arbitrator is proceeding ahead with the case and the matter is at the stage of effecting service on the bank officials and the for recording of evidence, this Court is inclined to extend the mandate of the Arbitral Tribunal for a period of one year so that the Award can be pronounced and no further extension of time would be required by the Tribunal.
9. The petition is disposed of along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

NOVEMBER 18, 2024

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