



\$~48

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

% ***Date of decision: 21st May, 2024***

+ **O.M.P.(MISC.)(COMM.) 414/2024**

DSC LIMITED

..... Petitioner

Through: Mr. Deepak Khurana and Mr.
Saurabh C., Advocates.

versus

UNION OF INDIA

..... Respondent

Through: Ms. Iram Majid, CGSC.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

JUDGMENT

AMIT BANSAL, J. (Oral)

I.A. 29912/2024

1. Allowed, subject to just exceptions.
2. The application stands disposed of.

O.M.P.(MISC.)(COMM.) 414/2024

3. The present petition has been filed under Section 29-A of the Arbitration and Conciliation Act, 1996 seeking extension of the mandate of the arbitrator for a further period of three months for concluding the arbitration proceedings.
4. It is pertinent to note that in the present case, the sole arbitrator was appointed as far back on 25th September, 2018 and entered reference in January, 2019. Yet, the arbitration proceedings have not been concluded.

Signature Not Verified

Digitally Signed By: DINESH

KUMAR

Signing Date: 22.05.2024

19:46:41

O.M.P.(MISC.)(COMM.) 414/2024

Page 1 of 3



5. A perusal of the record bears that five extensions have been sought for conclusion of the arbitration proceedings so far, the last one being granted *vide* order dated 13th February, 2024 passed by the Co-ordinate Bench. Taking note of the fact that repeated extensions have been granted in the present case and that the award has been reserved for pronouncement, the Co-ordinate Bench had granted an extension for a period of three months and requested the Arbitrator to render the award within the said period. Indisputably, the said extended period expired on 22nd April, 2024 and the award has still not been rendered.

6. Counsel for the petitioner has placed on record a communication dated 15th April, 2024, sent by the Arbitrator to the parties, wherein further time of five months has been sought on account of his health issues. The relevant extracts from the said communication are set out below:-

“3. This is to inform both the parties that due to certain unavoidable circumstances caused by my health issues which restrict me from intensive work it has not been possible to finalize and publish the award even by extended time up to 22 Apr 2024 despite my best efforts. Oral hearing to reconcile certain discoveries in the written submissions of both the parties also could not be held for above reason. The Respondent have forwarded paginated list of complete submissions of both the parties vide email dated 19 Feb 2024 but these documents also couldn't be reconciled. The medical condition is likely to improve in about two months. Therefore, in order to complete the proceedings and publish the award further time of five months would be required.”

7. Issue notice.

8. Notice is accepted by the learned CGSC appearing on behalf of the respondent/Union of India, who seeks time to file a reply to the present petition.

9. Having heard the counsels for the parties, in my opinion, no useful purpose would be served by granting time to the respondent to file a reply.

Signature Not Verified

Digitally Signed By: DINESH

KUMAR

Signing Date: 22.05.2024

19:46:41

O.M.P.(MISC.)(COMM.) 414/2024

Page 2 of 3



10. Taking into account the fact that substantial time, effort and cost has already been invested by the parties in the arbitration proceedings and the fact that the award has been reserved for judgment, this Court is inclined to grant one final extension of three months to the Arbitrator to render the award.

11. In the event, the award is not rendered in the aforesaid period of three months, i.e., on or before 22nd July, 2024, no further extension shall be granted and the mandate of the arbitrator shall stand terminated.

12. The petition stands disposed of in above terms.

13. A copy of the order shall be communicated to the arbitrator by both parties.

AMIT BANSAL, J.

MAY 21, 2024

kd

Signature Not Verified

Digitally Signed By: DINESH

KUMAR

Signing Date: 22.05.2024
19:46:41

O.M.P.(MISC.)(COMM.) 414/2024

Page 3 of 3