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

+ **O.M.P.(MISC.)(COMM.) 423/2023**

**INDIABULLS DISTRIBUTION
SERVICES LIMITED**

..... Petitioner

Through: Mr. Rudreshwar Singh, Ms.
Tushita Ghosh, Ms. Isha Singh and
Mr. Rohit, Advocates.

versus

BELLAGIO PROJECTS PRIVATE LIMITED Respondent

Through: Mr. Bhupesh Narula, Mr. Rinku
Narula and Mr. Rishi Kant Singh,
Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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01.02.2024

1. The petitioner has filed this petition under Section 29A of the Arbitration and Conciliation Act, 1996 [“the Act”], for extension of the mandate of the learned Arbitral Tribunal, which is in *seisin* of disputes between the parties under an agreement dated 17.05.2014. The Tribunal was constituted pursuant to an order of this Court dated 23.11.2021 in ARB.P. 138/2020.

2. I am informed that the proceedings are at the stage of cross-examination of the claimant’s witness.

3. Mr. Bhupesh Narula, learned counsel for the respondent, submits that the present petition has been filed after the lapse of the mandate of

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the Tribunal, which is contrary to the scheme of Section 29A of the Act. He states that the mandate of the Tribunal lapsed on 20.08.2023 whereas the petition was filed only on 07.09.2023. He submits that this question is pending in the Supreme Court in SLP (C) 23320/2023 [*Rohan Builders (India) Pvt. Ltd. vs. Berger Paints India Ltd.*] arising out of a decision of the Calcutta High Court in a judgment dated 06.09.2023 in *Rohan Builders (India) Pvt. Ltd. v. Berger Paints India Limited* (2023 SCC OnLine Cal 2645) and connected matters. However, this Court has taken a contrary view in *ATC Telecom Infrastructure (P) Ltd. v. BSNL* (2023 SCC OnLine Del 7135), and has expressly dissented from the view taken by the Calcutta High Court in *Rohan Builders (India) Pvt. Ltd. vs. Berger Paints India Limited*. The petition is therefore not liable to be rejected on this ground.

4. There is no other objection to the relief sought in this petition.
5. In view of the above, the petition is allowed, and the mandate of the learned Arbitrator is extended for a period of six months from today.
6. Learned counsel for the parties assure the Court that they will cooperate with the learned Arbitral Tribunal for expeditious disposal of the proceedings.

PRATEEK JALAN, J

FEBRUARY 1, 2024
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