



2024:DHC:5221



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **O.M.P.(MISC.)(COMM.) 483/2024****L D SULANIA AND CO.**

.....Petitioner

Through: **Ms. Anumeha Singhai, Adv.**

versus

DELHI TRANSCO LIMITED

.....Respondent

Through: **Ms. Anubha Dhulia, Advocate****CORAM:****HON'BLE MR. JUSTICE C. HARI SHANKAR****ORDER (ORAL)****12.07.2024**

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1. This is a petition under Section 29A(5) of the Arbitration and Conciliation Act 1996¹ seeking extension of the mandate of the learned Sole Arbitrator in case Ref. No. DIAC/5542/10-22 (*M/s L.D. Sulania & Co. v. Delhi Transco Ltd*), being conducted under the aegis of the Delhi International Arbitration Centre (DIAC) for twelve months.

2. Ms. Anubha Dhulia, learned counsel for the respondent, does not in principle, oppose the extension; she, however, seeks to invoke Section 29A(8)² of the 1996 Act and exhorts the Court to award costs under the said provision.

3. For this purpose, she alleges that the petitioner is guilty of

¹ "the 1996 Act" hereinafter

² (8) It shall be open to the court to impose actual or exemplary costs upon any of the parties under this section.



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taking date after date before the learned arbitrator, for completion of recording of evidence.

4. Ms. Anumeha Singhai, learned counsel for the petitioner, seriously disputes this contention.

5. Even if it were to be assumed that the submission of Ms. Dhulia is correct, the decision to grant further time to either of the parties is a decision taken by the arbitrator, and he enjoys absolute discretion in that regard. That, in my view, cannot constitute the basis for awarding costs under Section 29A(8). If, in a given case, the arbitrator is needlessly delaying the matter, the remedy available with either of the parties, if aggrieved thereby, lies elsewhere. I am, therefore, not inclined to award any costs in the matter.

6. Accordingly, the mandate of the learned Arbitrator shall stand extended by a period of one year from today.

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

C. HARI SHANKAR, J.

JULY 12, 2024/yg

Click here to check corrigendum, if any