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

+ **O.M.P.(MISC.)(COMM.) 552/2024**

**M/S AXALTA COATING SYSTEMS INDIA
PVT LTD**

.....Petitioner

Through: Mr. Piyush Sharma, Mr. Aditya N.
Prasad, Mr. Armaan Verma, Mr.
Pratyush Jain, Advocates.

versus

**M/S AUSTIN HYUNDAI (AUSTIN DISTRIBUTORS
PVT. LTD)**

.....Respondent

Through: Mr. Shambo Nandy, Ms. Akanksha
Kaushik, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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28.08.2024

1. This is a petition under Section 29A of the Arbitration and Conciliation Act, 1996 [“the Act”], for extension of the mandate of an arbitral tribunal, which is in *seisin* of disputes between the parties pursuant to an order of this Court dated 02.03.2023 in ARB.P. 1451/2022.
2. It is the admitted position that pleadings were completed on 01.06.2023 and the period of twelve months provided in Section 29A(1) of the Act, therefore, lapsed on 01.06.2024. In the meanwhile, the proceedings before the learned arbitrator were concluded and the award was reserved on 01.02.2024.
3. It appears that the learned arbitrator proposed to pronounce the award on 26.06.2024, but subsequently changed the date to 27.06.2024. However, it was brought to his attention that the mandate of the tribunal



had lapsed. The order dated 27.06.2024 records that counsel for the respondent had conveyed his consent to extension of the mandate for a period of six months under Section 29A(3) of the Act, but sought time to take instructions. The instructions were finally not to consent to the extension, as a result of which, the petitioner has approached this Court.

4. A reply has been filed by the respondent. The only ground stated in the reply is that the mandate of the arbitral tribunal could not have been extended by consent after the lapse of the initial period of twelve months provided under Section 29A(1) of the Act.

5. As the parties are now before the Court, this point is moot. It is not disputed by Mr. Shambo Nandy, learned counsel for the respondent, that the Court has jurisdiction to extend the mandate even after it has lapsed.

6. Mr. Nandy submits that the award has been unduly delayed as almost five months had lapsed after the conclusion of hearings before the learned arbitrator expressed his readiness to pronounce the award. The delay does not appear to me so inordinate as to require substitution of the arbitral tribunal. In any event, such an order would set the clock back and further delay in the conclusion of the proceedings.

7. On a consideration of the aforesaid facts, I am of the view that the contentions raised by the respondent are entirely meritless.

8. The petition is, therefore, allowed and the mandate of the arbitral tribunal is extended for a period of six weeks from today.

9. The petition is disposed of in these terms.

PRATEEK JALAN, J

AUGUST 28, 2024

“Bhupi”/