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

+ **O.M.P.(MISC.)(COMM.) 567/2024 &I.A. 35328/2024**

**S K INFRA A SOLE PROPRIETORSHIP CONCERN
THROUGH ITS SOLE PROPRIETOR MR DEEPAK KHATRI**

.....Petitioner

Through: Mr. Aamir Zaidi, Mr. Rakshan
Ahmed, Mr. Abhishek Tanwar, Mr.
Mohd. Bilal, Mr. Fajallu Rehman,
Ms. Lakshmi, Advs.

versus

JUNIPER GREEN THREE PVT LTD.Respondent

Through: Mr. Shaiwal Srivastava with Ms.
Shivani Uppal(AR)

**CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA**

**ORDER
20.11.2024**

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1. The present petition under Section 29(A) r/w Section 23 of the Arbitration and Conciliation Act, 1996 (hereinafter '*the A&C Act*') seeks the following prayers:-

“(i) Permit the petitioner to file the Statement of Defence & Counter-Claim in the Arbitration proceeding titled as 'Juniper Green Pvt. Ltd. vs. S.K. Infra (A sole Proprietorship Concern) & Anr.' pending before the Ld. Arbitrator Shri B.S. Mathur, District Judge (Retd.).

(ii) Pass such other and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. Admittedly, the learned Sole Arbitrator was appointed by this Court pursuant to order dated 03.11.2023 passed by this Court in ARB.P. 1151/2023. Further, the admitted position is that the period of 12 months



contemplated under Section 29(A)(1) of the A&C Act, has not yet expired; the said period will expire only in May, 2025. Thus, the mandate of the arbitrator has not come to an end.

3. As such, the present petition under Section 29A of the A&C Act is *ex-facie* non-maintainable.

4. The grievance of the petitioner is that the petitioner has not been permitted to file its statement of defence in the arbitral proceedings and that the petitioner's right in this regard has been unduly forfeited by the learned Sole Arbitrator. This is an aspect which cannot be agitated in these proceedings, being beyond the purview of Section 29A of the A & C Act, 1996.

5. Needless to say, it shall be open to the petitioner to make an appropriate application as regards its aforesaid grievance before the learned Sole Arbitrator, which shall be considered by the learned Sole Arbitrator on its own merits.

6. The present petition is, accordingly, dismissed.

SACHIN DATTA, J

NOVEMBER 20, 2024/at