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

+ **O.M.P.(MISC.)(COMM.) 658/2023, I.A. 25088/2023**

BHAVANI ENTERPRICES Petitioner

Through: Mr.Nishant M.,Adv.

versus

SPML INFRA LTD & ORS. Respondents

Through: Mr.Sourav Dutta, Adv.for R-1
Mr. Suhas Kadam, Adv. in
I.A.25088/23

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

% **ORDER**
05.01.2024

1. The present petition has been filed under Section 29(A) (4) and (5) of the Arbitration and Conciliation Act, 1996 on behalf of the petitioner, seeking an extension of time for concluding/passing of award in arbitration case No ARB P 388/2020.
2. The learned Arbitrator was appointed on 10.12.2022. After filing of the pleadings, the cross examination of the claimant was started on 12.05.2022. It has been submitted that as per Section 29 A of the Arbitration and Conciliation Act, 1996, one year six months period expired on 01.09.2023. It has also been submitted that the limitation period for the period of one year and six months was excluded from 15.03.2020 till 28.02.2022 by virtue of Hon'ble Supreme Court Misc Appl. No. 21/2022 IN Misc Appl. No. 665/2021 in



Suo Motu Writ Petition (C) No. 3/2020 *In Re: Cognizance For Extension Of Limitation.*

3. The perusal of the record indicates that the Respondent No.3 has not been appearing before the learned Arbitrator and respondent No.2 has also stated that he does not want to lead any evidence as appearing in the proceedings dated 15.09.2023 before learned sole Arbitrator.
4. It has also been submitted that the learned counsel for the respondent No.2 had appeared on the last date. Learned counsel for the Respondent No.1 who is a contesting party consents for the extension of mandate till 31.03.2024.
5. In view of the submissions made above and with the consent of both the parties, the mandate is extended till 31.03.2024 and the period from 01.09.2023 is also regularized.
6. In view of the above, the present petition stands disposed of.

DINESH KUMAR SHARMA, J

JANUARY 5, 2024

Pallavi