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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(MISC.)(COMM.) 682/2023 & I.As.26045/2023, 4663/2024**
TATA CAPITAL FINANCIAL SERVICES LIMITED Petitioner
Through: Mr. Savyasachi Sahai and Mr.
Vishwajeet Singh Shekhawat, Advs.
(M: 8209199855)
versus

SHYAM KARAN TRIVEDI & ORS. Respondents
Through: None.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **05.03.2024**

1. This hearing has been done through hybrid mode.

I.A. 26045/2023 (for exemption)

2. This is an application filed by the Petitioner seeking exemption from filing originals/certified/cleared/typed or translated copies of documents, proper margins, electronic documents, etc. Original documents shall be produced/filed at the time of Admission/Denial, if sought, strictly as per the provisions of the Commercial Courts Act and the DHC (Original Side) Rules, 2018.

3. Exemptions are allowed, subject to all just exceptions. Accordingly, the application is disposed of.

I.A.4663/2024 (u/O XXII Rule 10 CPC)

4. This is an application seeking substitution of Tata Capital Limited in place of Tata Capital Financial Services Limited. In view of the order passed by the NCLT, Mumbai dated 24th November, 2023 and the scheme



sanctioned, the application is allowed. Tata Capital Limited shall now be the Petitioner in this matter.

5. Application is disposed of.

O.M.P.(MISC.)(COMM.) 682/2023

6. The present petition under Section 29A of the Arbitration and Conciliation Act, 1996 has been filed by the Petitioner-TATA Capital Financial Services Ltd. seeking extension of the ongoing arbitration proceedings between the parties, pending before the Id. Sole Arbitrator. The mandate of the arbitral tribunal ended on 24th December, 2023.

7. An email has been handed over showing that on 3rd January, 2024, advance copy was served. A perusal of the record of the Registry would show that notices have been issued on the email as also by other modes including speed post. Even the process server's report shows that the Respondent has vacated the premises, which is mentioned in the memo of parties. Despite all these steps being taken, the Respondents are not appearing in the matter. Under such circumstances, the Respondents are deemed to have been served in view of the email service as also speed post service. The Respondents are merely avoiding appearance before the Court. As this is a petition for extension of the mandate of the Arbitral Tribunal, this Court directs that the mandate of the Arbitral Tribunal is extended till 31st December, 2024 from the date when the mandate has expired *i.e.*, on 24th December, 2023.

8. Petition is disposed of.

PRATHIBA M. SINGH, J.

MARCH 5, 2024/dk/ks