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

+ **O.M.P.(MISC.)(COMM.) 17/2024**

SHALAKA INFRA-TECH(I) PRIVATE LIMITED

..... Petitioner

Through: Mr.Nikhilesh Krishnan. Adv. and
Mr.Sunit Kumar Mondal, adv.

versus

AIRPORTS AUTHORITY OF INDIA

..... Respondent

Through: Mr.Vaibhav Kalra, Ms.Neha
Bhatnagar, Advts. and Mr.Gagan,
Adv./Sr.Manager (Law)

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

11.01.2024

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I.A. 670/2024 (exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

O.M.P.(MISC.)(COMM.) 17/2024

The present petition has been filed under Section 29 A (4) and 29A (5) of the Arbitration and Conciliation Act, 1996 on behalf of the petitioner for an extension of time of arbitral proceedings.

Mr.Vaibhav Kalra, learned counsel has appeared for the respondent on advance notice.

Learned counsel for the petitioner submits that vide e-mail dated 29.11.2023, a copy of which has been placed on record, it is clear that the



arguments have been concluded and the hearing of the case has been completed. However, the learned counsel for the respondent submits that though he has no objection to the extension of the mandate but in the same e-mail, the learned arbitrator has indicated for filing the revised claim and therefore some more hearing may take place before the learned arbitrator and the request has been made before the learned arbitrator.

The mandate of the Arbitration and Conciliation Act is the expeditious disposal of the arbitral proceedings. Section 29A of the Arbitration and Conciliation Act also provides as under:

29A. Time limit for arbitral award.--²[(1) The award in matters other than international commercial arbitration shall be made by the arbitral tribunal within a period of twelve months from the date of completion of pleadings under sub-section (4) of section 23:

Provided that the award in the matter of international commercial arbitration may be made as expeditiously as possible and endeavor may be made to dispose of the matter within a period of twelve months from the date of completion of pleadings under sub-section (4) of section 23.]

(2) If the award is made within a period of six months from the date the arbitral tribunal enters upon the reference, the arbitral tribunal shall be entitled to receive such amount of additional fees as the parties may agree.

(3) The parties may, by consent, extend the period specified in sub-section (1) for making award for a further period not exceeding six months.

(4) If the award is not made within the period specified in sub-section (1) or the extended period specified under sub-section (3), the mandate of the arbitrator(s) shall terminate unless the Court has, either prior to or after the expiry of the period so specified, extended the period:

Provided that while extending the period under this sub-section, if the Court finds that the proceedings have been delayed for the



reasons attributable to the arbitral tribunal, then, it may order reduction of fees of arbitrator(s) by not exceeding five per cent. for each month of such delay.

³[Provided further that where an application under sub-section (5) is pending, the mandate of the arbitrator shall continue till the disposal of the said application:

Provided also that the arbitrator shall be given an opportunity of being heard before the fees is reduced.]

(5) The extension of period referred to in sub-section (4) may be on the application of any of the parties and may be granted only for sufficient cause and on such terms and conditions as may be imposed by the Court.

(6) While extending the period referred to in sub-section (4), it shall be open to the Court to substitute one or all of the arbitrators and if one or all of the arbitrators are substituted, the arbitral proceedings shall continue from the stage already reached and on the basis of the evidence and material already on record, and the arbitrator(s) appointed under this section shall be deemed to have received the said evidence and material.

(7) In the event of arbitrator(s) being appointed under this section, the arbitral tribunal thus reconstituted shall be deemed to be in continuation of the previously appointed arbitral tribunal.

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

(9) An application filed under sub-section (5) shall be disposed of by the Court as expeditiously as possible and endeavour shall be made to dispose of the matter within a period of sixty days from the date of service of notice on the opposite party.

Similarly, the intention of the legislature behind Section 29A is that proceedings should be completed within a time limit. However, keeping in view the submissions of the learned counsels for both the parties, the mandate is extended till 30.05.2024. The period from 23.12.2023 is also regularised.



With the above directions, the petition stands disposed of.

DINESH KUMAR SHARMA, J

JANUARY 11, 2024

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