



2024:DHC:7178



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

+ O.M.P.(MISC.)(COMM.) 697/2024 & I.A. 38874/2024
ADITYA BIRLA FINANCE LIMITEDPetitioner
Through: Ms. Nikita Rathi, Mr. Debarshi
Dutta, Ms. Manvi Adlakha, Advs.

versus

MOTHERS PRIDE EDUCATIONAL PERSONNA PRIVATE
LIMITED AND ORSRespondents
Through: Mr. Jai Mohan, Adv.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER (ORAL)**17.09.2024**

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1. This is a petition under Section 29A(4) of the Arbitration and Conciliation Act 1996¹ for extension of the mandate of the learned Arbitral Tribunal presently in *seisin* of the disputes between the parties.

2. Of the nine respondents, Respondent 4 has been proceeded *ex-parte* before the learned Arbitral Tribunal and has also not entered appearance before this Court.

3. Respondents 1 to 3 and 6 to 9 are facing CIRP proceedings before the National Company Law Tribunal (NCLT).

4. It is seen that, on 16 March 2023, the learned Arbitral Tribunal, taking into account all these facts, notes, in para 5, that the only

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the 1996 Act", hereinafter

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KUMAR

Signing Date: 19.09.2024

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surviving and contesting respondent is Respondent 5.

5. Respondent 5 is represented today by Mr. Jai Mohan.

6. While Mr. Jai Mohan does not have any objection to extension of the mandate of the learned Arbitral Tribunal, he does object to the assertions in this petition regarding delay. He submits that delay in the arbitral proceedings cannot be attributed to his clients.

7. This Court is not entering into the said aspect.

8. This order shall not be treated as an expression of opinion one way or the other on the assertions of facts contained in the present petition.

9. The court is only inclined to extend the mandate of the learned Arbitral Tribunal so that the disputes could arrive at a quietus.

10. Accordingly, the mandate of the learned Arbitral Tribunal shall stand extended by a period of one year from today. The mandate shall be treated as continuing from 31 August 2024 when it expired by efflux by time.

11. The petition stands allowed in the aforesaid terms.

C.HARI SHANKAR, J

SEPTEMBER 17, 2024/dsn

Click here to check corrigendum, if any

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