



\$~36 to 39

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

+ **O.M.P.(MISC.)(COMM.) 702/2024**

NAYSA VAS INDIA COMMUNICATIONS
PRIVATE LIMITED

.....Petitioner

versus

BHARTI AIRTEL LIMITED

.....Respondent

+ **O.M.P.(MISC.)(COMM.) 703/2024**

UMA SHANKAR SHUKLA PROPRIETOR
OF BOL INDIA BOL

.....Petitioner

versus

BHARTI AIRTEL LIMITED

.....Respondent

+ **O.M.P.(MISC.)(COMM.) 704/2024**

SIESTA COMMUNICATIONS PRIVATE LIMITEDPetitioner

versus

BHARTI AIRTEL LIMITED

.....Respondent

+ **O.M.P.(MISC.)(COMM.) 707/2024**

VAS INDIA COMMUNICATIONS
PRIVATE LIMITED

.....Petitioner

versus

BHARTI AIRTEL LIMITED

.....Respondent

Appearance:-

Mr. Tarun Sharma, Mr. Manek Sharma & Mr. Abid Ali, Advocates for Petitioners in Item Nos. 36 to 39.
Mr. Shailesh K. Kapoor, Ms. Suruchi Thapar, Ms. Anukriti Dua, Ms. Sakshi Chaturvedi, Ms. Shoriya Bakshi & Mr. Ajay Kumar, Advocates for Respondent-Bharti Airtel Limited in Item Nos. 36 to 39.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN



ORDER
10.09.2024

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I.A. 38915/2024 (Exemption) in O.M.P.(MISC.)(COMM.) 702/2024
I.A. 38916/2024 (Exemption) in O.M.P.(MISC.)(COMM.) 703/2024
I.A. 38917/2024 (Exemption) in O.M.P.(MISC.)(COMM.) 704/2024
I.A. 38933/2024 (Exemption) in O.M.P.(MISC.)(COMM.) 707/2024

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

O.M.P. (MISC.) (COMM.) 702/2024, O.M.P. (MISC.) (COMM.) 703/2024,
O.M.P. (MISC.)(COMM.) 704/2024 and O.M.P. (MISC.) (COMM.) 707/2024

1. These four petitions under Section 29A of the Arbitration and Conciliation Act, 1996 [“the Act”] have been filed for extension of the mandate of the three-member arbitral tribunal, which is in seisin of disputes between the parties under four service agreements dated 04.05.2015, 23.09.2014, 01.05.2015 and 19.03.2014, respectively.
2. The tribunal was constituted by orders dated 22.11.2016 and 03.11.2016, passed by this Court under Section 11 of the Act.
3. The respondent in all four proceedings is common, and the petitioners are also group companies.
4. I am informed that pleadings were completed and the issues were framed in the arbitral proceedings in the year 2017. The tribunal was reconstituted in the year 2018, in view of the unfortunate demise of the erstwhile presiding arbitrator. The proceedings are currently at the stage of cross-examination of the sole witness of the petitioners/claimants.
5. Learned counsel for the parties state that the proceedings have been prolonged as no hearings were held during the COVID-19 period.



6. Be that as it may, it is evident that seven years have now passed even after the framing of issues. An effort, therefore, has to be made to expedite the proceedings.

7. Learned counsel for the respondent states that she requires a further four sittings of two hours each to conclude the cross-examination of the witness of the petitioners/claimants. She thereafter proposes to lead the evidence of, at most, three witnesses, but will make an effort to curtail the number of witnesses. Learned counsel for the petitioner states that he will complete the cross-examination of the respondent's witnesses in a maximum of two sessions each.

8. Having regard to these submissions, learned counsel for the parties may request the arbitral tribunal to fix the schedule for completion of evidence at its earliest convenience, and preferably complete the recording of evidence by 31.12.2024. The matter will thereafter be taken up for final arguments as expeditiously as convenient to the learned tribunal.

9. Learned counsel for both parties assure the Court that they will cooperate with the learned arbitral tribunal to ensure that the awards may be rendered within a period of one year from today.

10. Having regard to the above, and with the consent of learned counsel for the parties, the petitions are allowed and the mandate of the arbitral tribunal is extended for a period of one year from today.

11. The petitions are disposed of with the above observations.

PRATEEK JALAN, J

SEPTEMBER 10, 2024/'pv'/