



2024:DHC:7318



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

+ **O.M.P.(MISC.) (COMM.) 720/2024, I.A. 39133/2024**
EXTRAMARKS EDUCATION INDIA PVT LTD ...Petitioner
Through: Mr. Zeeshan Hashmi and Mr.
Saurav Sapra, Advs.

versus

G D GOENKA PUBLIC SCHOOLRespondent
Through: Ms. Rashmi Kumari, with Mr.
Siddharth Jain, Mr. Jagdish Sagar, & Mr.
Mukesh Kumar Gupta, Advs.

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

ORDER (ORAL)/% **19.09.2024****I.A. 39133/2024 (for exemption)**

1. Exemption allowed subject to all just exceptions.
2. Applications are disposed of.

O.M.P.(MISC.) (COMM.) 720/2024

3. This is a petition under Section 29A (4) of the Arbitration and Conciliation Act, 1996¹, seeking extension of the mandate of the learned Arbitrator, who was appointed by this Court by order dated 18 November 2022 to arbitrate on the dispute between the parties.

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the 1996 Act", hereinafter

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By: AJIT KUMAR
Signing
Date: 22.09.2024 20:37

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By: CHANDRASHEKHAR
AN HARI SHANKAR
Signing Date: 22.09.2024
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2024:DHC:7318



4. Ms. Rashmi Kumari, learned Counsel for the respondent, contests the petition. She submits that, by order dated 16 December 2021, an earlier Arbitrator had been appointed by this Court. As the said Arbitrator was elevated as a Judge of this Court, by a subsequent order dated 18 November 2022, another practising Advocate of this Court has been appointed as an Arbitrator.

5. She submits that the Arbitrator appointed by order dated 18 November 2022 has passed an order dated 6 August 2024, stating that his mandate stood terminated and the petitioner would have to approach this Court for extension of the mandate.

6. Ms. Rashmi Kumari has sought to submit that the termination of the mandate of the second Arbitrator cannot be taken into account as the mandate of the first Arbitrator terminated on the expiry of 18 Months from 16 December 2021 on which date the first Arbitrator was appointed. This contention has no meaning, as, prior to that date, this Court had to appoint a second Arbitrator by order dated 18 November 2022, and the mandate of the said learned Arbitrator has expired only on 6 August 2024.

7. No other substantial contention, by way of opposition to this petition, has been advanced by Ms. Rashmi Kumari.

8. Accordingly, in exercise of the power vested by this Court under Section 29A (4) of the 1996 Act, this Court extends the mandate of the learned Arbitrator appointed by order dated 18 November 2022,

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Page 2 of 3



2024:DHC:7318



by a period of two months from today, as it is submitted that the learned Arbitrator is at the cusp of pronouncing the award.

9. The petition is allowed in the aforesaid terms.

C. HARI SHANKAR, J.

SEPTEMBER 19, 2024/aky

Click here to check corrigendum, if any

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