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

+ O.M.P.(MISC.)(COMM.) 762/2024

MIS. AMBIENCE COMMERCIAL DEVELOPERS PVT. LTD.

.....Petitioner

Through: Ms. Kittu Bajaj, Adv.

versus

MIS. AIDA FOODS PVT. LTD.

.....Respondent

Through: Mr. Ravinder Singh, Ms. Raveesha
Gupta and Mr. Ritvik Bhardwaj,
Advs.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

11.11.2024

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1. The present petition filed under Section 29A (5) of the Arbitration and Conciliation Act, 1996 (hereinafter referred as '*the A&C Act*') seeks extension of time for completion of the arbitral proceedings and making of the arbitral award.
2. The Arbitral Tribunal was constituted *vide* order dated 21.01.2022 passed by this Court in ARB.P. 1183/2021.
3. *Vide* order dated 27.02.2024 in OMP (Misc.) (Comm.) 135/2024, this Court extended the mandate of the learned Arbitral Tribunal by a period of six months. The said period having expired, the present petition has been filed.
4. Learned counsel for the respondent raises an objection as regards the manner in which the arbitral proceedings are being conducted. He submits that there are serious irregularities in the procedure being followed by the Arbitral Tribunal. To illustrate the point, he submits that the advocate for the



petitioner has also been allowed to depose as a witness on behalf of the petitioner in the arbitral proceedings, which is not permissible. He further submits that the arbitrator has also displayed evident bias in the conduct of the arbitral proceedings. He also raises an objection as regards the nature and merits of the claims sought to be raised in arbitral proceedings, and further submits that the claims of the petitioner are also barred by limitation.

5. The above aspects highlighted by the learned counsel for the respondent has no bearing on the present application under Section 29A of the A&C Act. The issues raised by the learned counsel for the respondent pertain to the merits of the matter and the procedure being followed by the learned sole arbitrator. The respondent is at liberty to agitate these aspects by taking appropriate recourse as regards thereto, and as contemplated under the A&C Act, 1996.

6. The arbitral proceedings are admittedly at an advanced stage. An extension has already been granted by this Court on a previous occasion, in the same factual conspectus. In the circumstances, this Court finds no impediment in granting the requisite extension of time for completion of arbitral proceedings and making the award.

7. Accordingly, the time period for completion of the arbitral proceedings and making of the arbitral award is extended till 31.01.2025.

8. Needless to say, the same shall be without prejudice to the rights of respondent to take appropriate legal recourse, if the respondent is aggrieved with any aspect of the conduct of the arbitral proceedings. It is clarified that the respondent is not precluded from either filing an application under Section 13 of the A&C Act before the arbitrator or a petition under Section 14 of the A&C Act before this Court, if so warranted.



9. The present petition stands disposed of in the above terms.

NOVEMBER 11, 2024/cl

SACHIN DATTA, J