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

+ **O.M.P.(MISC.)(COMM.) 791/2024**

M/S POWER MECH PROJECTS LIMITEDPetitioner

Through: Mr. Arjun D. Singh, Ms. Ankita Sharma, Mr. Ishat Singh, Ms. Nisha Pandey, Mr. Yimyanger Longkumer and Mr. Maitreya Mahaley, Advocates.

versus

M/S NTPC BHEL POWER PROJECTS PRIVATE LIMITED

.....Respondent

Through: Mr. Adarsh Tripathi, Mr. Vikram Singh Baid and Mr. Ajitesh Garg, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **07.10.2024**

I.A. 41403/2024 (Exemption)

Allowed, subject to all just exceptions.

O.M.P.(MISC.)(COMM.) 791/2024

1. This is a petition under Section 29A(4) of the Arbitration & Conciliation Act, 1996 for extending the mandate of the Arbitral Tribunal for a period of six months in the arbitration proceedings which are going on between the parties before the Arbitral Tribunal.

2. Material on record indicates that the Arbitral Tribunal was constituted on 24.08.2022. The mandate of the Arbitral Tribunal was extended from time to time and last such extension was granted on 05.04.2024 for a period of six months. It is stated that the Mandate of the Arbitral Tribunal has



expired on 05.10.2024.

3. It is stated by the learned Counsel for the Petitioner that examination of witnesses has commenced and the Arbitral Tribunal would require at least 12 months' time for making the Arbitral Award.

4. The Apex Court in Rohan Builders (India) Private Limited v. Berger Paints India Limited, **2024 SCC OnLine SC 2494**, has held that an application for extension of the time period for passing an arbitral award under Section 29A(4) read with Section 29A(5) is maintainable even after the expiry of the twelve-month or the extended six-month period, as the case may be.

5. Even though in the prayer clause, 8 months' extension is sought, in the facts and circumstance of this case, this Court is inclined to extend the mandate of the Arbitral Tribunal for a further period of 12 months so that the award can be pronounced and no further extension of time would be required by the Tribunal.

6. The petition is disposed of, along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

OCTOBER 07, 2024

Rahul