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

+ **O.M.P.(MISC.)(COMM.) 796/2024**

NCC LIMITED

.....Petitioner

Through: Mr. Adhishwar Suri, Advocate for Dr.
Amit George, Advocate.

versus

**DELHI STATE TRANSPORT INFRASTRUCTURE
DEVELOPMENT CORPORATION LIMITED (DTIDC LTD) &
ANR.**

.....Respondents

Through: Mr. Amiet Andlay, Advocate.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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07.10.2024

I.A. 41545/2024 (Exemption)

Allowed, subject to all just exceptions.

O.M.P.(MISC.)(COMM.) 796/2024

1. This Petition under Section 29A(4) and 29A(5) of the Arbitration and Conciliation Act, 1996, read with Section 7 of the Commercial Courts Act, 2015, has been filed by the Petitioner for extending the mandate of the sole arbitrator in the Arbitration proceedings which are going on between the parties.
2. Material on record indicates that this Court *vide* Order dated 23.09.2021 in ARB.P.159/2020, constituted an Arbitral Tribunal to adjudicate upon the disputes between the parties.
3. It is stated that the mandate of the Tribunal expired was extended from time to time and the last such extension was granted on 19.09.2023 by



which the mandate of the Arbitral Tribunal was extended till 01.10.2024. The present Petition has been filed seeking extension of mandate of the Arbitral Tribunal.

4. It is stated by the learned Counsel for the Petitioner that arguments on behalf of the Respondent is going and the Rejoinder arguments of the learned Counsel for the Claimant is to be heard and award has to be passed and, therefore, the mandate of the Arbitrator be extended for a period of six months.

5. 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.

6. Accordingly, this Court is inclined to extend the mandate of the Arbitral Tribunal for a further period of six months, i.e. till 01.04.2025, so that the award can be pronounced and no further extension of time would be required by the Tribunal.

7. The Petition is disposed of, along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

OCTOBER 07, 2024

Rahul