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

+ **O.M.P.(MISC.)(COMM.) 815/2024**

MS. HEMA SAVITA & ANR.

.....Petitioners

Through: Mr. Pawan Kaushik, Mr. Tapan Veer,
Mr. Naveen Kumar Chauhan, Advs.

versus

SH. PUNEET BHASIN

.....Respondent

Through: Mr. Vansh Gandotra, Mr. Kartik
Gandotra, Advs.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

23.12.2024

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1. The present petition under Section 29A seeks extension of time for completion of the arbitral proceedings and making of the arbitral award.
2. The learned Arbitrator was appointed by this Court vide order dated 03.08.2022 in ARB.P. 578/2022. Thereafter, the arbitration proceedings have been held under the aegis of DIAC *vide* DIAC No. 5985/01-23.
3. *Vide* order dated 31.08.2024 it was *inter alia* recorded by the learned Arbitrator as under:-

- “1. It has been informed by the Deputy Counsel that the Claimant towards its share of fees and administrative charges still has to deposit a sum of Rs.9,15,286/- whereas the Respondents on that score have to deposit a sum of Rs.9,25,286/- . Needful may be done.
2. This Tribunal was constituted pursuant to the order dated 03.08.2022 passed by the Hon'ble High Court of Delhi in Arb.P.578/2022 and in view thereof, it is requested by the learned counsel for the Respondents that he would examine as to whether he has to take steps for seeking extension of time u/s 29A of the Arbitration and Conciliation Act, 1996, or not.
3. Put up on **2.3.09.2024 at 04:30 PM** through physical mode at



DIAC.”

4. Learned counsel for the respondent objects to the present petition on the ground that the respondent-claimant has filed an application before the learned Arbitrator seeking withdrawal of its claim ; he submits that since the respondent does not wish to pursue its claim, there is nothing left for the Arbitrator to decide and accordingly it would be futile to grant any extension of time.

5. Learned counsel for the petitioner submits that even if the respondent-claimant seeks to withdraw its claim, its application for the said purpose has to be considered by the learned Arbitrator and for this purpose at least, the requisite time extension is to be granted. He further submits that the petitioner has also filed its counter-claim which has been duly incorporated in its reply filed before the learned Arbitrator. It is urged that the said counterclaim is also required to be adjudicated by the learned sole arbitrator.

6. In these proceedings, it is not necessary for this Court to enter into controversy as to whether the claim of the respondent survives for consideration or not and/or whether any counter-claim has been validly raised by the petitioner.

7. Given the confines of the present proceedings under Section 29A, this Court does not find any impediment in granting the requisite extension of time to the learned Arbitrator for completion of arbitral proceedings and making of the arbitral award.

8. Consequently, the time period for completion of arbitral proceedings and making of the arbitral award is extended by period of six months from today.

9. Needless to say, is shall be open for the respondent-claimant to urge



before the Arbitrator that the proceedings be terminated in the light of the withdrawal of its claim and in the absence of any valid counter-claim having been filed by the petitioner. The same shall be duly considered by the learned Sole Arbitrator in accordance with law. It is made clear that this Court has not expressed any opinion as to the merits of the rival contentions of the parties in this regard.

SACHIN DATTA, J

DECEMBER 23, 2024/uk