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

+ **O.M.P.(MISC.)(COMM.) 817/2024**

ALSTOM TRANSPORT INDIA LTD ERSTWHILE ALSTOM
SYSTEMS INDIA PVT LTD.Petitioner

Through: Mr. Dinesh Pardasani and Mr.
Siddarth Mehra, Advocates.

versus

DEDICATED FREIGHT CORRIDOR CORPORATION OF INDIA
LTD.Respondent

Through: Mr. Udit Seth and Mr. Anil Seth,
Advocates.

+ **O.M.P.(MISC.)(COMM.) 818/2024**

ALSTOM TRANSPORT INDIA LTD ERSTWHILE ALSTOM
SYSTEMS INDIA PVT LTD.Petitioner

Through: Mr. Dinesh Pardasani and Mr.
Siddarth Mehra, Advocates.

versus

DEDICATED FREIGHT CORRIDOR CORPORATION OF INDIA
LTD.Respondent

Through: Mr. Udit Seth and Mr. Anil Seth,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

O R D E R

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15.10.2024

I.A. 42194/2024 (Exemption) in O.M.P.(MISC.)(COMM.) 817/2024

I.A. 42242/2024 (Exemption) in O.M.P.(MISC.)(COMM.) 818/2024

Allowed, subject to all just exceptions.

O.M.P.(MISC.)(COMM.) 817/2024



O.M.P.(MISC.)(COMM.) 818/2024

1. These Petitions under Section 29A(4) and 29A(5) of the Arbitration and Conciliation Act, 1996, read with Section 7 of the Commercial Courts Act, 2015, have 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 Sh. UCD Shreni (Retd. GM/NER), Mr. Justice (Retd.) G. S. Sistani and Mr. Justice (Retd.) Manmohan singh were appointed as the Arbitrators, to adjudicate upon the disputes between the parties.
3. It is stated that the mandate of the Tribunal expired on 27.08.2024. The present Petition has, therefore, been filed seeking extension of mandate of the Arbitral Tribunal.
4. It is stated by the learned Counsel for the Petitioner that rejoinder arguments are going on in the arbitration proceedings in O.M.P.(MISC.)(COMM.) 817/2024 and after conclusion of rejoinder arguments in the said case arguments will start in O.M.P.(MISC.)(COMM.) 818/2024. Learned Counsel for the Petitioner also states that the matter is extremely technical and, therefore, the mandate of the Arbitrator be extended for a period of 12 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. In view of the submissions made by the learned Counsel for the Petitioner, this Court is inclined to extend the mandate of the Arbitral Tribunal for a further period of 12 months, i.e. till 27.08.2025, so that the award can be pronounced and no further extension of time would be required by the Tribunal.

7. The Petitions are disposed of, along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

OCTOBER 15, 2024

Rahul