



\$~44

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

+ **O.M.P.(MISC.)(COMM.) 857/2024 & I.A. 44181/2024**

M/S AASRA PROJECT PVT LTD

.....Petitioner

Through: Mr. Mrinal Harsh Vardhan, Advocate

versus

M/S WIZTOWN PLANNERS PVT LTD & ORSRespondents

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

06.11.2024

%

I.A. 44190/2024

1. This application has been filed by the Petitioner for condonation of delay of 22 days in re-filing the petition.
2. For the reasons stated in the application, the same is allowed and the delay in re-filing the petition is condoned.
3. The application is disposed of.

O.M.P.(MISC.)(COMM.) 857/2024 & I.A. 44181/2024

1. This Petition under Section 29A(4) of the Arbitration and Conciliation Act, 1996 has been filed by the Petitioner for extending the mandate of the Sole Arbitrator for a period of six months.
2. Material on record indicates that vide proceedings dated 20.07.2024, the Ld. Arbitrator has observed that despite that fact that the mandate stood terminated on 31.05.2024, no steps have been taken by the parties to extend the mandate. It was further observed by the Ld. Arbitrator that the fee of the



arbitrator as quantified vide Order dated 19.08.2023 in terms of the forth schedule works out to Rs.4,67,840/- and apart from Rs.50,000/- paid on 24.05.2023, no further amount has been paid.

3. Learned Counsel appearing for the Petitioner submits that a sum of Rs.1 lakh has been paid to the Ld. Arbitrator. He states that the entire amount as demanded by the Ld. Arbitrator will be paid by the Petitioner, subject to the fact that if the Respondent enters appearance at this juncture, it is for the Ld. Arbitrator to take a decision as to how the Ld. Arbitrator wants to proceed in the matter of fee.

4. Even though the mandate of the Ld. Arbitrator has expired on 31.05.2024, in view of the Judgment passed by the Apex Court in Rohan Builders (India) Private Limited v. Berger Paints India Limited, **2024 SCC OnLine SC 2494**, wherein the Apex Court 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, this Court has the power to extend the mandate of the Arbitrator.

5. In view of the facts of the present case, this Court is inclined to extend the mandate of the Ld. Sole Arbitrator for a period of six months from today, subject to the payment of entire fee to the Ld. Arbitrator.

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

SUBRAMONIUM PRASAD, J

NOVEMBER 6, 2024

S. Zakir