



\$~58

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

+ **O.M.P.(MISC.)(COMM.) 922/2024**

GLOBAL AGRISYSTEM PRIVATE LTD

.....Petitioner

Through: Mr. Anand Varma, Ms. Apoorva
Pandey, Ms. Adyasha Nanda,
Advocates.

versus

**HIMACHAL PRADESH HORTICULTURAL PRODUCE
MARKETING AND PROCESSING CORPORATION**

.....Respondent

Through: Dr. Subhash C Gupta, Advocate.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

25.11.2024

%

1. This Petition under Section 29A of the Arbitration and Conciliation Act, 1996 has been filed by the Petitioner for extending the mandate of the Arbitral Tribunal for making the Award for a period of six months from 02.12.2024 to 02.06.2025.

2. Material on record indicates that disputes arose between the parties under a Consultancy Agreement dated 19.03.2018. An Arbitral Tribunal was constituted by the DIAC after the conciliation proceedings were terminated by the MSEFC and the matter was sent to the DIAC for initiating arbitration proceedings under Section 18(3) of the MSMED Act, 2005. It is stated since the mandate of the Arbitral Tribunal was to expire on 02.06.2024, both the



parties mutually agreed to extend the mandate of the Arbitral Tribunal till 02.12.2024 under Section 29A(3) of the Arbitration and Conciliation Act, 1996.

3. It is stated that the parties are yet to make their final submissions and therefore, the mandate of the Arbitral Tribunal is due to expire on 02.12.2024, the Petitioner has approached this Court by filing the present petition for extending the mandate of Arbitral Tribunal.

4. Learned Counsel appearing for the Respondent states that the Respondent has objections for extending the mandate of the Arbitral Tribunal. No valid reasons are forthcoming as to why the mandate of the Arbitral Tribunal should not be extended.

5. Section 29A(4) of the Arbitration and Conciliation Act, 1996 confers power on the Court to extend the mandate of the Arbitral Tribunal either prior to or after the expiry of the period so specified. The Courts are generally reluctant to extend the period of mandate only when the Courts find that the proceedings have been delayed for the reasons attributable to the Arbitral Tribunal or any such other reasons.

6. No valid reasons are forthcoming as to why the mandate of the Arbitral Tribunal should not be extended, rather the material on record indicates that the parties had earlier in the month of June, 2024 mutually agreed to extend the mandate of the Arbitral Tribunal. Valuable money and resources have been spent in the proceedings and, therefore, it would not be in the interest of justice, if the mandate is not extended. The objection of the Respondent is, therefore, rejected.

7. The mandate of the Arbitral Tribunal is extended for a period of six months from 02.12.2024, so that the award can be pronounced.



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

SUBRAMONIUM PRASAD, J

NOVEMBER 25, 2024

S. Zakir