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

+ **O.M.P.(MISC.)(COMM.) 927/2024**

ERA INFRA ENGINEERING LTD

.....Petitioner

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

versus

NTPC LTD

.....Respondent

Through: Mr. Sanjay Rawat, Mr. Ashutosh Jha
and Mr. Vibhav Rawat, Advocates

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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27.11.2024

I.A. 46257/2024 (Exemption)

Allowed, subject to all just exceptions.

O.M.P.(MISC.)(COMM.) 927/2024 & I.A. 46256/2024

1. This is a petition under Section 29A (4) & (5) of the Arbitration & Conciliation Act, 1996 seeking extension of mandate of the Arbitral Tribunal for making the arbitral award.
2. Material on record indicates that arbitral proceedings between the parties arises out of a Contract for “TG Area Civil Works Package for Kahalgoan Super Thermal Power Project Stage II (2 x 500 MW, Units 5 & 6); Agreement no.CS-4230-324-9-CS-LOA-4246” dated 26.09.2003. It is stated that since the disputes have arisen between the parties out of the said Contract, arbitration was invoked by the Petitioner in terms of Clause 56 GCC of the Contract dated 26.09.2003.
3. It is stated that *vide* letter dated 16.11.2018, in terms of Clause 56 of GCC, Respondent appointed an Arbitrator and the preliminary hearing was conducted on 01.12.2018.
4. It is stated that *vide* Order dated 02.09.2020, this Court has extended



the mandate of the Arbitrator till 30.06.2021, reckoned w.e.f. 16.11.2019. It is stated that this Court *vide* Order dated 10.04.2023, extended the mandate of the Arbitrator by six months i.e. till 10.10.2023. Since the mandate of the Arbitral Tribunal for making the award has already expired on 21.09.2024, the Petitioner has approached this Court for extension of time for making the award.

5. Learned Counsel for the Petitioner states that recording of evidence is concluded and the matter is fixed for final arguments. It is stated by the learned Counsel for the Petitioner that additional time of at least 12 months would be required for making the Arbitral Award.

6. 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.

7. In view of the fact that the learned Arbitrator is proceeding ahead with the case and the matter is at the stage of final arguments, this Court is inclined to extend the mandate of the Arbitral Tribunal for a period of six months from today, i.e. till 27.05.2025. Ld. Arbitrator shall make all endeavours to conclude the arguments within a period of six months from today.

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

SUBRAMONIUM PRASAD, J

NOVEMBER 27, 2024

RJ