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

+ **O.M.P.(MISC.)(COMM.) 929/2024**

**SNG DEVELOPERS LIMITED**

.....Petitioner

Through: Mr. Prateek Gupta and Raghav Tiwari  
Advocates

versus

**SNG VARDHMAN TECHNO BUILD PRIVATE LIMITED**

.....Respondent

Through: Mr. Aakash Tyagi, Mr. Lakshay  
Agarwal, Advocates for Interim  
Resolution Professional

**CORAM:**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**ORDER**

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**28.11.2024**

**I.A. 46395/2024 (Exemption)**

Allowed, subject to all just exceptions.

**O.M.P.(MISC.)(COMM.) 929/2024**

1. This is a petition under Section 29A (4) & (5) of the Arbitration & Conciliation Act, 1996 filed by the Petitioner for extending the mandate of the Arbitral Tribunal for making the Award.
2. Material on record discloses that the parties had entered into a Joint Development Agreement on 08.03.2010. It is stated that disputes arose between the parties under the said agreement.
3. It is stated that the Petitioner approached this Court by filing a petition under Section 11 of the Arbitration & Conciliation Act and in view of the



arbitration clause, this Court *vide* Order dated 04.04.2019 in ARB. P. 61/2019 appointed an Arbitrator to adjudicate the disputes between the parties. It is stated that the mandate of the Arbitral Tribunal has come to an end on 03.11.2024.

4. It is stated that in the interregnum, Corporate Insolvency Resolution Process (CIRP) have been initiated against the Respondent and resultantly the claim of the Petitioner against the Respondent cannot proceed in view of the moratorium under Section 14 of the IBC. However, the counter-claim of the Respondent against the Petitioner can continue.

5. Be that as it may, since the mandate of the Arbitral Tribunal has come to an end, the Petitioner has approached this Court by filing this petition seeking extension of mandate for a period of one year. There is no objection from the Respondent.

6. 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**, which gives the power to this Court to extend the mandate even if the mandate has been terminated, this Court inclined to extend the mandate of the Arbitral Tribunal for a period of one year to enable the Arbitrator to conclude the proceedings and pass an award.

7. The petition is disposed of along with pending application(s), if any.

**SUBRAMONIUM PRASAD, J**

**NOVEMBER 28, 2024**

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