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

+ **O.M.P.(MISC.)(COMM.) 932/2024**

KOTAK MAHINDRA PRIME LTD

.....Petitioner

Through: Mr. Janender Kr. Chumbak, Advocate

versus

SANJAY PASSI & ORS.

.....Respondents

Through: Ms. Karuna Sharma, Mr. Gaurav Jain,
Mr. Atul Malhotra, Mr. Anant Raj
Kannojiya, Advocates for R-1
Ms. Samaya Khanna, Adv. for R-2.
Ms. Ranjana Roy Gawai, Ms.
Vasudha Sen, Mr. Vineet Wadhwa
Advocates for R-3

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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29.11.2024

I.A. 46588/2024 (Exemption)

Allowed, subject to all just exceptions.

O.M.P.(MISC.)(COMM.) 932/2024

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 in the Arbitration proceedings which are going on between the parties.
2. Material on record indicates that this Court *vide* Order dated 29.08.2022 had appointed Mr. J. R. Midha, Former Judge, as the Arbitrator, to adjudicate upon the disputes between the parties.



3. It is stated that the mandate of the Tribunal is being extended from time to time and the mandate of the Arbitrator has expired on 30.10.2024.
4. It is stated by the learned Counsel for the Petitioner that the matter is pending for arguments on applications preferred by the Petitioner and, therefore, the mandate of the Arbitrator be extended for a period of 09 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. Accordingly, this Court is inclined to extend the mandate of the Arbitral Tribunal for a further period of one year from today, so that the arguments can be heard on applications preferred by the Petitioner and the award can be pronounced.
7. The Petition is disposed of, along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

NOVEMBER 29, 2024
RJ