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

+ **O.M.P.(MISC.)(COMM.) 945/2024**

IRCON PB TOLLWAY LIMITED

.....Petitioner

Through: Mr. SK Chandwani, Mr. Sameer
Chandwani, Advocates

versus

NATIONAL HIGHWAYS AUTHORITY OF INDIARespondent

Through: Mr Rohit Ranjan Kumar with Mr.
Shailesh Kumar Yadav, Advocates

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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04.12.2024

I.A. 47136/2024 (Exemption)

Allowed, subject to all just exceptions.

O.M.P.(MISC.)(COMM.) 945/2024

1. This Petition under Section 29A(4) and 29A(5) of the Arbitration and Conciliation Act, 1996, read with Section 7 of the Commercial Courts Act, 2015, 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 Arbitral Tribunal was appointed by the parties on 25.11.2021 to adjudicate on the disputes of the parties.

3. It is stated that the mandate of the Tribunal is being extended from time to time and the last such extension was granted by this Court vide Order dated 24.11.2023. It is stated that the mandate of the Arbitrator



expired on 26.11.2024.

4. It is stated by the learned Counsel for the Petitioner that the parties have concluded their arguments and only arguments on counter claim No.6 are to be advanced and, therefore, the mandate of the Arbitrator be extended for a period of four 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 four months with effect from 26.11.2024, i.e. till 25.07.2025 so that the award can be pronounced and no further extension of time would be required by the Tribunal.

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

SUBRAMONIUM PRASAD, J

DECEMBER 04, 2024

Rahul