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

+ **O.M.P.(MISC.)(COMM.) 946/2024**

NATIONAL SKILL DEVELOPMENT CORPORATION

.....Petitioner

Through: Ms. Gunjan Sinha Jain, Ms. Muskaan
Gopal, Advocates

versus

STC TECHNOLOGIES PRIVATE LIMITEDRespondent

Through: Ms. Deepika Nandakumar, Advocate

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **10.12.2024**

1. This is a petition under Section 29A(5) of the Arbitration & Conciliation Act, 1996 for extending the mandate of the Sole Arbitrator for a period of 20 months.
2. The facts, as stated in the petition, reveal that the disputes have arisen between the parties under the Memorandum of Understanding dated 10.08.2016 by which the Petitioner was to impart industry/sector specific skill training to a three hundred youths of Jammu and Kashmir.
3. It is stated that since the disputes have arisen between the parties under the Memorandum of Understanding dated 10.08.2016, the Petitioner issued a notice dated 21.05.2021 for invocation of arbitration under Section 21 of the Arbitration and Conciliation Act, 1996 and in terms of the Arbitration Clause, and a Sole Arbitrator was appointed on 11.10.2021 by



the Indian Council of Arbitration. It is stated that the proceedings were commenced on 20.11.2021 before the Ld. Sole Arbitrator.

4. Material on record indicates that the cross-examination of all the witnesses has been concluded and the final arguments have commenced. Material on record further indicates that on 13.09.2023, the Ld. Sole Arbitrator wanted to consider the validity of the Audit Report and suggested that an Independent Auditor be appointed to verify the actual expenditure incurred by the Respondent. At this juncture, the mandate of the Ld. Sole Arbitrator was expired. The last proceedings were conducted on 23.09.2023 and both the parties submitted that they would apply for an extension of the mandate of the Ld. Sole Arbitrator before Court.

5. Material on record indicates that the Petitioner approached the Ld. Commercial Court, Saket District Courts, for extension of mandate of the Ld. Sole Arbitrator. However, the said application was not entertained and the Petitioner was directed to approach this Court under Section 29A(5) of the Arbitration & Conciliation Act. Hence, the present petition has been filed for extension of mandate of the Sole Arbitrator.

6. This Court is of the opinion that the Ld. Sole Arbitrator is proceeding in right earnest with the hearing of the arbitration proceedings.

7. 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.

8. In view of the above, this Court is inclined to extend the mandate of



the Arbitral Tribunal for a further period of eight months from today so that the Award can be pronounced and no further extension of time would be required by the Ld. Sole Arbitrator.

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

SUBRAMONIUM PRASAD, J

DECEMBER 10, 2024

RJ