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

+ **O.M.P.(MISC.)(COMM.) 959/2024**

KUSHALY POLYSACKS PVT LTD

.....Petitioner

Through: Mr Rana S Biswas, Mr. Kartik
Chettiar, Mr. Yash Tripathi
Advocates

versus

**MY PREFERRED TRANSFORMATION AND HOSPITALITY
PVT LTD**

.....Respondent

Through: Mr. Sandeep Kumar Mahapatra,
Mr. Tribhuvan, Mr. Ishan Malhotra,
Advocates
Mr. Sidharth Arora, Advocate

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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12.12.2024

I.A. 48067/2024 (Exemption)

Allowed, subject to all just exceptions.

O.M.P.(MISC.)(COMM.) 959/2024

1. The instant petition under Section 29A(5) of the Arbitration & Conciliation Act, 1996 has been filed by the Petitioner seeking extension of the mandate of the Arbitral Tribunal.
2. Material on record indicates that the Arbitral Tribunal was constituted by this Court on 17.12.2021. It is stated that since the mandate of the Arbitral Tribunal has expired on 30.07.2024, the Petitioner has approached this Court seeking extension of the mandate of the Arbitral Tribunal for



making the Award.

3. A perusal of the list of dates indicates that on 31.01.2023 pleadings in the arbitration proceedings have been completed and the matter is at the stage of recording of evidence of the claimant's last witness.

4. 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.

5. In the facts and circumstance of this case, this Court is inclined to extend the mandate of the Arbitral Tribunal for a further period of one year from 30.07.2024 so that the arbitral proceedings be completed and Award can be pronounced.

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

SUBRAMONIUM PRASAD, J

DECEMBER 12, 2024

RJ