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

+ **O.M.P.(MISC.)(COMM.) 966/2024**

LINEAGE POWER PRIVATE LIMITEDPetitioner

Through: *Appearance not given*

versus

INDUS TOWERS LIMITEDRespondent

Through: **Ms. Shivangi Bajpai, Advocate.**

+ **O.M.P.(MISC.)(COMM.) 970/2024**

PACE DIGITEK LIMITEDPetitioner

Through: *Appearance not given*

versus

INDUS TOWER LIMITEDRespondent

Through: **Ms. Shivangi Bajpai, Advocate.**

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **17.12.2024**

I.A. 48548/2024 (Exemption) in O.M.P.(MISC.)(COMM.) 966/2024

I.A. 48614/2024 (Exemption) in O.M.P.(MISC.)(COMM.) 970/2024

Allowed, subject to all just exceptions.

O.M.P.(MISC.)(COMM.) 966/2024

O.M.P.(MISC.)(COMM.) 970/2024

1. These Petitions under Section 29A(4) and 29A(5) of the Arbitration and Conciliation Act, 1996, read with Section 7 of the Commercial Courts Act, 2015, have been filed by the Petitioners 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 Hon'ble Mr. Justice B.D. Ahmed (Retd.) was appointed as the Arbitrator by this Court vide Order dated 22.02.2019, to adjudicate upon the disputes between the parties.

3. It is stated that the mandate of the Arbitrator was extended from time to time and the last such extension was granted by this Court vide Order dated 14.12.2023 by which the mandate of the Learned Sole Arbitrator was extended till 12.12.2024. It is stated that both the parties have lead evidence and the matter is at the stage of final arguments. The present Petition has been filed seeking extension of mandate of the Arbitrator by one year.

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. Accordingly, this Court is inclined to extend the mandate of the Arbitral Tribunal for a further period of one year with effect from 12.12.2024, i.e. till 12.12.2025 so that the award can be pronounced and no further extension of time would be required by the Tribunal.

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

SUBRAMONIUM PRASAD, J

DECEMBER 17, 2024

Rahul