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

+ **O.M.P.(MISC.)(COMM.) 978/2024**

SANDEEP SINGH

.....Petitioner

Through: Mr. Mohit Gupta, Mrs. Anisha Gupta
Mrs. Aayushi Jain, Ms. Prabhleen
Kaur, Advocates

versus

SIMRAN SODHI

.....Respondent

Through: Mr. Vikas Arora, Mrs. Radhika Arora
and Mr.Siddharth Singh, Advocates

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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20.12.2024

1. This Petition under Section 29A(4) & 29A(5) of the Arbitration Act has been filed seeking extension of the time in making the award by the Arbitral Tribunal.
2. It is stated by the learned Counsel for the Petitioner that the Tribunal was constituted by an Order dated 11.11.2022, passed by this Court in ARB.P.199/2022. It is stated that the learned Arbitrator entered reference on 12.12.2022. It is stated that six months' period for completion of pleadings came to an end on 22.05.2023. It is stated that amended statement of claim and the statement of defense were filed by both the parties on 16.01.2024.
3. Learned Counsel for the Petitioner points out to an Order dated 09.05.2024, passed by the learned Arbitrator, which states that the pleadings were completed only on 23.01.2024 and in order to avoid any technicalities, both the learned Counsels for the parties, have consented to extend the mandate of the Arbitral Tribunal by a further period of six months.
4. Section 29A(1) of the Arbitration Act reads as under:



“29A. Time limit for arbitral award.— [(1)The award in matters other than international commercial arbitration shall be made by the arbitral tribunal within a period of twelve months from the date of completion of pleadings under sub-section (4) of section 23:

Provided that the award in the matter of international commercial arbitration may be made as expeditiously as possible and endeavor may be made to dispose of the matter within a period of twelve months from the date of completion of pleadings under sub-section (4) of section 23.]”

5. Under Section 29A(1) of the Arbitration Act, the period for completion of arbitration proceedings from the date of completion of pleadings is one year. In the present case, the pleadings have completed only on 16.01.2024 and, therefore, the period of one year will come to an end on 16.01.2025. After completion of one year, the mandate of the Arbitral Tribunal can be further extended by six months with the consent of the parties and then only the parties need to approach the High Court seeking extension of the mandate. In the opinion of this Court, the power to come to this Court will commence only on 16.07.2025.

6. Learned Counsel for the Petitioner states that under Section 23(4) of the Arbitration Act, the pleadings ought to have been completed within six months from the date of arbitrator entering reference. In the present case, the Arbitrator entered reference on 12.12.2022 and, therefore, the pleadings ought to have been completed on or before 12.06.2023. However, in the present case the Arbitrator permitted the pleadings to be completed on 16.01.2024. Taking 16.01.2024 as the starting point to complete the period for calculating as to when the mandate will come to an end. The period of one year will come to an end on 16.01.2025. After completion of one year,



the mandate of the Arbitral Tribunal can be further extended by six months with the consent of the parties, i.e. the mandate of the Tribunal can be extended till 16.07.2025 by the Court and only after that the parties need to approach this Court.

7. In the considered opinion of this Court, the present Petition is premature and the same is disposed of as premature.

8. The learned Arbitrator is requested to proceed further with the matter.

SUBRAMONIUM PRASAD, J

DECEMBER 20, 2024

Rahul