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

+ O.M.P.(MISC.)(COMM.) 68/2025 & I.A. 1644/2025

NATIONAL HIGHWAYS AUTHORITY OF INDIA .....Petitioner

Through: Mr. Santosh Kumar, Standing  
Counsel with Mr. Devansh Malhotra  
Advocate and Ms. Nidhi Rani  
Advocate.

versus

MS ROADWAY SOLUTION INDIA PVT LTD .....Respondent

Through: None.

+ O.M.P.(MISC.)(COMM.) 69/2025 & I.A. 1647/2025

NATIONAL HIGHWAYS AUTHORITY OF INDIA .....Petitioner

Through: Mr. Santosh Kumar, Standing  
Counsel with Mr. Devansh Malhotra  
Advocate and Ms. Nidhi Rani  
Advocate.

versus

MS ROADWAY SOLUTION INDIA PVT. LTD. ....Respondent

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**ORDER**

**21.02.2025**

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1. These petitions under Section 29A(4) & (5) of the Arbitration and Conciliation Act, 1996 have been filed by the Petitioner for extending the mandate of the Arbitral Tribunal for adjudicating disputes which have arisen between the parties under a contract for "Short-Term Improvement and



Routine Maintenance of Chitradurga - Davangere Section from Km 189.00 to Km 260.00 of NH-4 in the State of Karnataka (Package-1) and for Davangere - Haveri section from Km 260.00 to Km 340.00 of NH-4 in the State of Karnataka (Package-2).

2. Notice was issued in the petitions on 21.01.2025. The Office Report indicates that the Respondent stands served.

3. There is no appearance on behalf of the Respondent today.

4. Material on record indicates that since disputes arose between the parties, a petition under Section 11 of the Arbitration and Conciliation Act, 1996 was filed by the Petitioner and this Court constituted an Arbitral Tribunal on 20.09.2017 to adjudicate upon the disputes between the parties. It is stated that there have been various periodic extensions of the mandate of Arbitral Tribunal by this Court. It is stated that the last of the mandate of the Arbitrator was extended by this Court vide Order dated 07.11.2023 for a period of 12 months i.e., upto 06.11.2024. The mandate of the Arbitral Tribunal has expired on 06.11.2024.

5. It is stated that arguments in respect of Package-1 stand concluded and the matter has been reserved for pronouncement of award. It is stated that as far as Package-2 is concerned, the Arbitral Tribunal is in the process of hearing the parties.

6. 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.



7. In view of the fact that substantial proceedings have already been conducted by the Arbitral Tribunal and only the pronouncement in respect of other package i.e., Package-2 is left, this Court is inclined to regularize the period from 06.11.2024 till today and further inclined to extend the mandate of the Arbitral Tribunal till 31.12.2025, so that the award can be pronounced.

8. The Petitions are disposed of, along with the pending applications, if any.

**SUBRAMONIUM PRASAD, J**

**FEBRUARY 21, 2025**

*S. Zakir*