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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(MISC.)(COMM.) 75/2025**
PRAYAGRAJ POWER GENERATION COMPANY LTD.

.....Petitioner
Through: Mr. Suhael Bhuttan, Advocate.

versus

BHARAT HEAVY ELECTRICALS LTD.Respondent
Through: Mr. Ajit Kumar, Advocate.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
24.01.2025

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1. This Petition under Section 29A(5) of the Arbitration and Conciliation Act, 1996 has been filed by the Petitioner for extending the mandate of the Arbitral Tribunal.
2. Material on record indicates that disputes arose between the parties regarding the execution of works towards setting up of Coal based Thermal Power Plant (3x660MW) at Tehsil-Bara, District Allahabad, Uttar Pradesh. The Arbitral Tribunal entered reference on 22.04.2019. The mandate of the Arbitral Tribunal has been extended from time to time. The last of the mandate of the Arbitral Tribunal was extended by this Court vide Order dated 15.01.2024 passed in OMP (MISC.) (COMM) 26/2024 for a period up to 31.12.2024. The mandate of the Arbitral Tribunal has expired on 31.12.2024.
3. It is stated that the Arbitral Tribunal has decided to conduct the



examination through interrogatories. It is stated that the examination of witnesses of the Claimant stands concluded and the examination of the witnesses of the Respondents have commenced.

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 view of the facts of the present case, this Court is inclined to extend the mandate of the Arbitral Tribunal for a period of one year i.e., upto 31.12.2025, so that the award can be pronounced. The period from 01.01.2025 till today i.e., 24.01.2025 stands regularized.

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

SUBRAMONIUM PRASAD, J

JANUARY 24, 2025

S. Zakir