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

+ **O.M.P.(MISC.)(COMM.) 86/2025**

PROGRESSIVE INFOTECH PRIVATE LIMITEDPetitioner

Through: Ms. Swaralipi Deb Roy, Advocate.

versus

PRASAR BHARTI (THROUGH ITS DIRECTOR GENERAL)

.....Respondent

Through: Mr. Sahil Bhalaik, Advocate.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

28.01.2025

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I.A. 2198/2025 (Exemption)

Allowed, subject to all just exceptions.

O.M.P.(MISC.)(COMM.) 86/2025

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 sole arbitrator in the Arbitration proceedings which are going on between the parties.
2. Material on record indicates that this Court *vide* Order dated 08.02.2018 has constituted the Arbitral Tribunal to adjudicate upon the disputes between the parties.
3. It is stated by learned Counsel for the Petitioner that on 17.04.2023 the Award was reserved by the Ld. Arbitrator.
4. It is stated that the mandate of the Tribunal expired on 18.06.2023.



Material on record indicates that the Ld. Arbitrator has written an e-mail stating that the he has some health issues and therefore the Award could not be pronounced. The Arbitrator has therefore written a letter to the parties to file an appropriate application for extension of mandate. It is stated that the Petitioner has not moved any application either under Section 14 of the Arbitration and Conciliation Act, 1996 or application under Section 15 of the Arbitration and Conciliation Act, 1996 for appointment of a substitute Arbitrator.

5. 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.

6. Accordingly, this Court is inclined to extend the mandate of the Arbitral Tribunal for a further period of three months, i.e. till 30.04.2025, so that the award can be pronounced and no further extension of time would be required by the Tribunal. The period from 18.06.2023 till today i.e. 28.01.2025 is hereby regularized.

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

SUBRAMONIUM PRASAD, J

JANUARY 28, 2025

RJ