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

+ **O.M.P.(MISC.)(COMM.) 133/2025**

GANNON DUNKERLEY AND CO LTDPetitioner

Through: Mr. Ashish Garg, Mr. Shubham Aggarwal (Advocates)

versus

NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT CORPORATION & ANR.Respondents

Through: Ms. Reema Khorana , Advocate, Mr. Vikash Kumar Advocate with Mr. Abhishek Namdev (Official) for R-1

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **11.02.2025**

I.A. 3491/2025 (Exemption)

Allowed, subject to all just exceptions.

O.M.P.(MISC.)(COMM.) 133/2025

1. The instant petition under Section 29A(4) of the Arbitration & Conciliation Act, 1996 has been filed by the Petitioner seeking extension of the mandate of the Arbitral Tribunal.
2. Material on record indicates that the disputes have arisen between the parties under the Supplementary Foreclosure Agreement dated 30.10.2021 executed between the Petitioner/Company and the Respondent No.1. It is stated that since the disputes have arisen between the parties, the Petitioner/Company vide notice dated 14.07.2022 invoked arbitration under Rule 4 of the Society for Affordable Redressal of Disputes Arbitration Rules



(SAROD) in terms of Clause 11 of the said Agreement. It is stated that vide notification dated 12.01.2023, learned Secretary to SAROD had constituted the Arbitral Tribunal for the adjudication of the disputes between the parties.

3. It is stated that the pleadings were completed on 10.07.2023. It is stated that the period of one year was sought on 09.07.2023 but before that date, the parties by mutual consent, extended the mandate of the Arbitral Tribunal by six months. It is stated that since the mandate of the Tribunal has come to an end on 10.01.2025, the Petitioner has approached this Court seeking extension of the mandate of the Arbitrator for making the Award.

4. A perusal of the list of dates indicates that the examination of witnesses of the Claimants has concluded and the examination of Respondent witnesses is going on.

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. In the facts and circumstance of this case, this Court is inclined to extend the mandate of the Arbitral Tribunal till 31.12.2025 so that the Award can be pronounced.

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

SUBRAMONIUM PRASAD, J

FEBRUARY 11, 2025

RJ