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

+ **O.M.P.(MISC.)(COMM.) 212/2025**

METRO TRANSIT PVT. LTD

.....Petitioner

Through: Mr. Sushil Dutt Salwan, Sr. Advocate
with Mr. Aditya Garg, Adv.

versus

GOVERNMENT OF NCT OF DELHI

.....Respondent

Through: Mr. Sameer Vashisht, Standing
Counsel (Civil) for GNCTD with Mr
Manashwy Jha and Ms. Harshita
Nathrani, Advs.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **07.03.2025**

I.A. 6148/2025 (Exemption)

Allowed, subject to all just exceptions.

O.M.P.(MISC.)(COMM.) 212/2025

1. This Petition under Section 29A 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 the Petitioner had approached this Court by filing an arbitration petition being ARB.P. 229/2017 for appointment of an Arbitrator and this Court vide Order dated 11.05.2017 constituted an Arbitral Tribunal consisting of a Sole Arbitrator. It is stated that the said Arbitrator recused himself from entering reference indicating his inability to complete the arbitration within the timelines. It is stated that the Petitioner, thereafter, filed a petition being OMP (T) (Comm.) No.48/2017 under Section 15 of the Arbitration and Conciliation Act, 1996



read with Section 14 of the Arbitration and Conciliation Act seeking appointment of an Arbitrator and this Court vide Order dated 30.05.2017 constituted an Arbitral Tribunal consisting of a Sole Arbitrator. It is stated that the parties had extended the mandate of the Arbitral Tribunal by mutual consent for a period of six months. The mandate of the Arbitral Tribunal has been extended by this Court from time to time and the last of the mandate of the Arbitral Tribunal has been extended by this Court till 14.02.2025. The mandate of the Arbitral Tribunal has expired on 14.02.2025.

3. It is stated that submissions of the Respondent are going on before the Arbitral Tribunal.

4. Learned Counsel appearing for the Respondent has no objection if the mandate of the Arbitral Tribunal is extended.

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 view of the facts of the present case, this Court is inclined to extend the mandate of the Arbitral Tribunal for a period of nine months from today, so that the award can be pronounced.

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

SUBRAMONIUM PRASAD, J

MARCH 7, 2025

S. Zakir