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

+ **O.M.P.(MISC.)(COMM.) 306/2025**

M/S NCSL-MTDCL JV

.....Petitioner

Through: Ms. Saahila Kaur Lamba and Mr.
Hemant Singh, Advocates.

versus

UNION OF INDIA

.....Respondent

Through: Mr. Ranjeev Khatana, SPC.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

04.04.2025

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I.A. 8744/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This petition is filed on behalf of the Petitioner under Section 29A (4) and (5) of the Arbitration and Conciliation Act, 1996 ('1996 Act') for extension of mandate of the Arbitral Tribunal till 30.09.2025.
4. Petitioner is a Joint Venture of M/s Niraj Cement Structurals Limited and M/s Manipur Tribal Development Corporation Limited. On 08.11.2017, an Engineering, Procurement and Construction Agreement was entered into between the Petitioner and Respondent in respect of Trilateral Highway in Myanmar on Tamu-Kyigone-Kalewa Road (TKK). Disputes arose between the parties, pursuant to which Petitioner/Claimant nominated an Arbitrator



and Respondent nominated its Arbitrator and the two nominated Arbitrators, nominated the Presiding Arbitrator. The Secretariat of SAROD notified the constitution of the Arbitral Tribunal. Thereafter, the Tribunal held its first hearing and by consent of the parties fixed the schedule to complete the pleadings with regard to Petitioner's claims and Respondent's counter claims. Issues were settled on 29.12.2023 and time was granted to the parties to file evidence affidavits. Cross-examination of CW-1 commenced on 21.03.2024, however, by consent of the parties, it was decided that as no oral evidence was required, matter would proceed for arguments commencing from 05.05.2024.

5. It is averred in the petition that on 28.11.2024, an issue arose regarding impartiality of one of the Arbitrators and therefore, the Tribunal kept the proceedings on hold. The said Arbitrator ultimately resigned and Petitioner nominated another retired IAS Officer as its nominee Arbitrator. After re-constitution of the Arbitral Tribunal, arguments could not commence for one reason or the other as on 18.03.2025 counsel for the Petitioner sought cancellation of the date of 19.03.2025 and thereafter 20.03.2025, counsel informed the Tribunal that he had returned the brief and four weeks were granted to the Petitioner to file written submissions and three dates have been fixed in May, 2025 for arguments. As per the averment in the petition, on 22.05.2025 Tribunal would fix a date for the Petitioner to reply to the counter claims. It is pointed out that the mandate of the Tribunal has expired on 01.10.2024 and in this backdrop, Petitioner seeks extension of the mandate of the Tribunal till 30.09.2025 for conclusion of proceedings and pronouncement of the award.

6. Issue notice.



7. Mr. Ranjeev Khatana, learned Senior Panel Counsel accepts notice on behalf of the Respondent and, on instructions, submits that Respondent has no objection to the extension of mandate of the learned Arbitral Tribunal till 30.09.2025.
8. Considering that the arbitration proceedings are at the stage of final arguments, with the consent of the parties, mandate of the learned Arbitral Tribunal is extended till 30.09.2025 from 04.04.2025 and period between 01.10.2024 to 03.04.2025 is hereby regularised.
9. Petition stands allowed and disposed of in the aforesaid terms.

JYOTI SINGH, J

APRIL 4, 2025
S.Sharma