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

+ **O.M.P.(MISC.)(COMM.) 320/2025**

IRB TUMKUR CHITRADURGA TOLLWAY LTD.Petitioner
Through: Mr. Atul Nanda, Senior Advocate
with Ms. Rameeza Hakeem, Ms. Devika Mohan,
Mr. Pratyush Srivastava, Mr. Sarthak Sachdev,
Mr. Annamaya Nanda and Mr. Harshit Sahay,
Advocates.

versus

NATIONAL HIGHWAYS AUTHORITY OF INDIA

.....Respondent

Through: Mr. Abhay Gupta and Mr. Sanjivan
Chakraborty, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

08.04.2025

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I.A. 9166/2025 (Exemption)

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

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3. This petition is preferred on behalf of the Petitioner under Section 29A (4) and (5) of Arbitration and Conciliation Act, 1996 ('1996 Act') seeking extension of mandate of learned Arbitral Tribunal by a period of 06 months.
4. Disputes having arisen between the parties with respect to Concession Agreement dated 16.08.2010 relating to six laning of Tumkur-Chitradurga section of National Highway No. 4 from km. 75 to km. 189 (approx. 114 kms) in the State of Karnataka along with operation and maintenance of the



Project Highway for a period of 26 years on Design, Build, Finance, Operate, Transfer basis with the right to collect toll upon the Project Highway for the entire concession period, Petitioner invoked the Arbitration Clause in the Agreement. By order of this Court, the Arbitral Tribunal was constituted on 30.03.2022.

5. It is stated in the petition that the pleadings in the Claims and Counter Claims were completed on 05.01.2023 and thereafter, learned Arbitral Tribunal framed issues and parties filed evidence affidavits. Period of 12 months expired on 29.09.2023 and by consent of the parties, the same was extended by 06 months. Cross-examination of Claimant's witness commenced on 23.11.2023 and was concluded on 28.11.2023, while cross-examination of Respondent's witness concluded on 23.01.2024 and matter was fixed for final arguments on different dates in April, 2024.

6. It is stated that by order dated 04.04.2024 in O.M.P.(MISC.)(COMM.) 266/2024, this Court extended the mandate of the Arbitral Tribunal by 06 months i.e., upto 29.09.2024. Thereafter, final arguments on behalf of the Respondent commenced and concluded on 29.07.2024 and dates were fixed for rejoinder arguments of the Claimant as also for arguments to the Counter Claim of the Respondent. In O.M.P.(MISC.)(COMM.) 760/2024, this Court extended the mandate upto 10.04.2025 vide order dated 15.10.2024. This petition is filed for extension of the mandate as the matter is reserved for passing the final Award with direction to file written submissions by 15.01.2025. By order dated 18.03.2025, written submissions were taken on record along with some additional documents with liberty to file admission/denial of the documents in four weeks.



7. Issue notice.
8. Mr. Abhay Gupta, learned counsel accepts notice on behalf of the Respondent and on instructions, submits that Respondent has no objection if the mandate of the learned Arbitral Tribunal is extended by a period of 06 months.
9. Taking into account the fact that only the Arbitral Award has to be pronounced and published by the learned Arbitral Tribunal, with the consent of the parties, mandate of the learned Arbitral Tribunal is extended by a period of 06 months from 11.04.2025.
10. Petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

APRIL 8, 2025
S.Sharma