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

+ **O.M.P.(MISC.)(COMM.) 331/2025**

BHASKAR INDUSTRIES PRIVATE LTD. & ANR.

.....Petitioners

Through: Mr. Biju Mattam and Mr. Lakshyajit
Singh Bagdwal, Advocates.

versus

**NATIONAL TEXTILE CORPORATION LIMITED
& ANR.**

.....Respondents

Through: Mr. Sonal Kumar Singh, Mr.
Yashvardhan Singh Gohil, Ms. Ashima Acharya,
Ms. Shivani Chaudhary and Mr. Puneet,
Advocates.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

ORDER
17.04.2025

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I.A. 9761/2025 (Exemption)

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

O.M.P.(MISC.)(COMM.) 331/2025

3. This petition is preferred on behalf of the Petitioners 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 07 months.
4. Petitioner No. 1 and Petitioner No. 2 are companies incorporated under Companies Act, 1956. Respondent No. 1 is a Public Sector Enterprise



under Ministry of Textile and Respondent No. 2 is a Joint Venture Company incorporated under laws of India in which Petitioners and Respondent No. 1 collectively hold 51% and 49% shares respectively. Parties entered into Memorandum of Understanding dated 06.11.2007, Undertaking Transfer Agreement dated 15.11.2007, Lease Deed dated 15.11.2007, and Share Subscription and Shareholders Agreement dated 20.11.2007, to constitute a Joint Venture Company i.e., Respondent No. 2/JVC so that textile mill namely India United Mills along with its entire land ad measuring 21.25 acres as also surplus land along with building/structures thereon (lease land) could be transferred to Respondent No. 2 on a lease for a period of 33 years. As per the Petitioners, Respondent No. 1 failed to comply with the crucial terms of the understanding between the parties and the agreements and accordingly, Petitioners invoked arbitration in terms of Articles 8.1, 8.2 and 9 of MoU dated 06.11.2007 and other Articles of the other Agreements including the Lease Deed. However, Respondents failed to appoint the Arbitrator and Petitioners filed ARB.P. No. 1123/2021, which was allowed on 12.01.2022 and Court appointed the nominees of the Petitioners and of the Respondents as proposed for the two Arbitrators to appoint the Presiding Arbitrator. Constitution of the Tribunal was completed on 17.01.2022 and the learned Arbitral Tribunal entered upon reference.

5. It is stated in the petition that pleadings were completed by the parties on 18.06.2022 and after the initial period of one year expired, by mutual consent parties extended the mandate by six months from 17.06.2023 to 16.12.2023. When the proceedings were at the stage of cross-examination of witness of the Petitioners, Petitioners filed O.M.P. (MISC.) (COMM.) 82/2024 in this Court seeking extension of mandate of the Arbitral Tribunal.



By order dated 09.02.2024, Court allowed the petition and extended the mandate till 16.09.2024. After conclusion of arguments on behalf of the Petitioners, Petitioners again approached this Court in O.M.P. (MISC.) (COMM.) No. 820/2024 and by order dated 19.11.2024, Court extended the mandate of the learned Arbitral Tribunal till 31.05.2025. This petition is filed for a further extension by 07 months stating that the proceedings are at the stage of final arguments of the Respondents and thereafter for rejoinder arguments of the Petitioners.

6. Issue notice.

7. Mr. Sonal Kumar Singh, learned counsel accepts notice on behalf of the Respondents and on instructions, submits that Respondents have no objection if the mandate of the learned Arbitral Tribunal is extended by a period of 07 months.

8. Considering that arbitration proceedings are at the stage of final arguments, with the consent of the parties, mandate of the learned Arbitral Tribunal is extended by a period of 07 months from 01.06.2025 till 31.12.2025.

9. Petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

APRIL 17, 2025

S.Sharma/shivam