



\$~78

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(MISC.)(COMM.) 409/2025
TRANSNATIONAL SHIPPING INDIA
PVT. LTD.Petitioner

Through: Ms. Akriti Chaubey, Advocate.
versus

KHANIJ IMPEX AND ORS.Respondents

Through: Mr. Saket Gogia, Ms. Sheetal
Maggon and Mr. Man Singh, Advocates for R-1
and R-3.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% 23.05.2025

I.A. 13125/2025

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

O.M.P.(MISC.)(COMM.) 409/2025

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') seeking extension of the mandate of the learned Arbitrator.
4. Disputes having arisen between the parties, Petitioner approached this Court in ARB. P. 46/2021 seeking appointment of a Sole Arbitrator, which was allowed vide order dated 11.10.2021 appointing a Sole Arbitrator. Mandate of the Arbitrator was extended from time to time by this Court and lastly, by order dated 07.11.2024 in O.M.P. (MISC.) (COMM.) 866/2024 upto 30.04.2025. It is stated that arbitral proceedings are at the stage of rejoinder arguments of the claimants, which are scheduled for 27.05.2025.
5. Learned counsel for the Petitioner submits that Respondent No. 2 is proceeded *ex parte* before the learned Arbitrator and Respondent No. 1 had



lastly argued the matter on 09.05.2025 and can have no objection to the extension of the mandate.

6. Issue notice.

7. Mr. Saket Gogia, learned counsel accepts notice on behalf of Respondents No. 1 and 3 and opposes the petition on the ground that Respondents have not signed the arbitration agreement.

8. Heard learned counsels for the parties.

9. The learned Arbitrator was appointed by this Court on 11.10.2021 in a petition filed by the petitioner under Section 11(6) of 1996 Act. As the order reflects that Respondents had disputed the signatures on the indemnity bonds. This contention was negated on a *prima facie* view that indemnity bonds bear the signatures of the Respondents, which have been duly attested by their bankers. Taking this view, the petition was allowed appointing the Arbitrator. Proceedings have continued since then and are at the stage of rejoinder arguments of the Petitioner. At this stage in this petition, it is not open to this Court to go into the issue of existence of the arbitration agreement, once a *prima facie* view is taken in the petition under Section 11(6) of 1996 Act.

10. Accordingly, this petition is allowed, extending the mandate of the learned Arbitrator by a period of two months from 23.05.2025 and the period between 01.05.2025 to 22.05.2025 is regularised.

11. Petition stands disposed of.

JYOTI SINGH, J

MAY 23, 2025/shivam/sahil