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

+ **O.M.P.(MISC.)(COMM.) 453/2023**

PRAKASH CHAND GOYAL (HUF)Petitioner

Through: Mr. Anuj Jain, Advocate

versus

SUNIL WALIARespondent

Through: None for Respondent

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

10.02.2025

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1. This is a petition under Section 29A (4) of the Arbitration & Conciliation Act, 1996 seeking extension of mandate of the Arbitrator.
2. Material on record indicates that notice in the instant petition was issued on 26.09.2023. On 21.01.2025, learned Counsel for the Respondent sought permission to file an application for discharge from the instant case. The said application has not been filed.
3. Since there is no appearance on behalf of the Respondent, this Court is proceeding ahead to adjudicate the present petition.
4. Material on record indicates that vide Order dated 23.07.2017 in OMP No.254/15 this Court has appointed an Arbitrator to adjudicate upon the disputes between the parties.
5. It is stated that this Court *vide* Order dated 30.08.2019 in OMP (MISC.) (COMM.) 336/2019 extended the mandate of the Arbitrator till 14.01.2020. It is stated that another extension was granted by this Court



vide Order dated 15.01.2020 in OMP (MISC.) (COMM.) No.16/2020 from 16.01.2020 till 15.04.2020. Thereafter, the COVID-19 pandemic struck in and the mandate has not been extended thereafter. The present petition has been filed way back in the year 2023 wherein notice was issued on 26.09.2023 and after that, time was sought by the Respondent to file reply on 11.10.2023. However, reply has not been filed on behalf of the Respondent.

6. In view of the fact that the Respondent is not appearing before this Court and substantial time has been spent in the arbitration and the arbitration proceedings are at the stage of cross-examination of the Respondent, this Court is inclined to extend the mandate of the Arbitrator.

7. 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.

8. In view of the above, this Court is inclined to extend the mandate of the Arbitrator till 31.12.2025 so that the Award can be pronounced and no further extension of time would be required by the Tribunal.

9. The petition is disposed of, along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

FEBRUARY 10, 2025

RJ