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

+ **O.M.P.(MISC.)(COMM.) 481/2025**

ERA INFRA ENGINEERING LTD.

.....Petitioner

Through: Mr. A. Bhattacharya, Mr. Rajeev,
Ms. Suvangana Agarwal, Mr. Manthan Dixit and
Mr. Rushil Anand, Advocates.

versus

NTPC LTD

.....Respondent

Through: Mr. R.R. Kumar and Mr. Yogesh
Gupta, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

28.07.2025

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1. 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 the mandate of the learned Arbitrator.
2. Disputes having arisen between the parties in relation to a contract agreement dated 15.10.2001 for 'Civil work of Main Plant Area of Ramagundam Super Thermal Power Project, Stage – III, (1 x 500 MW) at Jyoti Nagar, Dist. Karimnagar, Andhra Pradesh, Petitioner filed a petition under Section 11(6) of 1996 Act being ARB.P. 327/2012 for appointment of the Arbitrator, which was allowed vide order dated 10.01.2013, appointing the Sole Arbitrator. The appointed Arbitrator was substituted on account of his promotion and the substituted Arbitrator also resigned on transfer whereafter Respondent appointed another Arbitrator to continue the arbitral proceedings.
3. As stated in the petition, on 08.05.2018, moratorium was imposed on the Petitioner by NCLT, Delhi and IRP was appointed during the CIRP



period. On 24.11.2022, in OMP(T) (COMM) 78/2022, this Court terminated the mandate of the Arbitrator and appointed a substitute Arbitrator. On 11.06.2024, NCLT approved the Resolution Plan under Section 31 of Insolvency and Bankruptcy Code, 2016, upon which Petitioner requested the Arbitrator on 11.01.2025 to resume the arbitral proceedings which were kept in abeyance. It is stated in the petition that arbitral proceedings are now at the stage of final hearing, however, since the mandate of the Arbitrator has expired on 13.06.2024, the same be extended for conclusion of the proceedings and passing of the award.

4. Mr. R.R. Kumar, learned counsel for the Respondent, on instructions, submits that Respondent has no objection to the extension of mandate of the Arbitrator.

5. From a reading of the petition and upon hearing arguments of the Petitioner, I am of the view that sufficient cause has been made out for extension of the mandate of the learned Arbitrator. Proceedings were kept in abeyance by the Arbitrator on account of the CIRP proceedings pending before NCLT, Delhi wherein Resolution Plan was approved on 11.06.2024 whereafter proceedings were resumed and are now at the stage of final arguments. This Court finds no impediment in extension of the mandate in light of the judgment of the Supreme Court in ***Rohan Builders (India) Private Limited v. Berger Paints India Limited***, 2024 SCC OnLine SC 2494.

6. Accordingly, with the consent of the parties, mandate of the Arbitrator is extended by a period of one year from 28.07.2025 and the period between 14.06.2024 to 27.07.2025 is regularised.



7. Petition is allowed and disposed of in the aforesaid terms.

JYOTI SINGH, J

JULY 28, 2025/shivam