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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(MISC.)(COMM.) 608/2025**
GOPAL KRISHAN AGGARWAL & ORS.Petitioners
Through: Mr. Chandra Shekhar Yadav and Mr.
Astitva Shrivastava, Advocates.
versus
S.D. ENGINEERSTECH PVT. LTD. & ANR.Respondents
Through: Mr. Anupam Dwivedi and Mr.
Ashutosh Kumar, Advocates.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
% **27.08.2025**

I.A. 19158/2025

1. This application is filed on behalf of the Petitioners seeking condonation of delay of 31 days in refiling the petition.
2. For the reasons stated in the application, the same is allowed condoning delay of 31 days in refiling the petition.
3. Application stands disposed of.

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4. This petition is filed on behalf of the Petitioners under Section 29A (4) and (5) of the Arbitration and Conciliation Act, 1996 ('1996 Act') seeking extension of the mandate of the learned Sole Arbitrator by a period of 06 months.
5. Learned counsel for the Respondents opposes this petition on the ground that Petitioners are unable to show sufficient cause for extension of the mandate in terms of decision of the Supreme Court in ***Rohan Builders (India) Private Limited v. Berger Paints India Limited, 2024 SCC OnLine***



SC 2494.

6. Learned counsel for the Petitioners, on the other hand, submits that sufficient cause for extension of mandate has been brought forth in the petition. It is urged that Petitioners have been diligently participating in the arbitral proceedings. Statement of Claim was filed on 29.03.2023 to which Statement of Defence was filed on 03.06.2023. Arguments on application under Section 17 of the 1996 Act filed by the Petitioners were held on 05.06.2023 and vide order dated 30.12.2023, the same was disposed of. Issues were settled by the Arbitrator on 25.01.2024, after which evidence was recorded. Petitioners' witnesses were cross-examined *inter alia* on 30.04.2024, 01.05.2024 and 05.05.2024. From time to time, mandate of the Arbitrator was extended. Part cross-examination of Respondents' witnesses was conducted in May, 2024 and further dates were fixed for July, 2024.

7. It is further urged that on 28.08.2024, DIAC informed that Respondent had not deposited the Arbitrator's fee and vide e-mail dated 28.08.2024, counsel for the Respondents informed that Rs.1.5 lacs were deposited towards the share of the fee. However, this payment was in a connected arbitration and not in the present proceedings. The Arbitrator informed the parties vide e-mail dated 31.08.2024 that he shall not proceed till the fee is paid. Therefore, the delay, if any, is on account of the Respondents as even till date fee has not been paid by them. At no point in time, Petitioners are responsible for delaying the arbitration proceedings.

8. Having heard the parties and after examining the order-sheets and the chronology of dates and events, I am of the view that Petitioners cannot be blamed for any delay in the proceedings and they have been able to demonstrate sufficient cause for seeking extension of the mandate.



9. Mandate of the Arbitral Tribunal has expired on 30.10.2024 and the arbitral proceedings are at the stage of evidence of the Respondents. The mandate is hereby extended by a period of 9 months from 27.08.2025 and period between 31.10.2024 to 26.08.2025 is regularised.
10. Petition is allowed and disposed of in the aforesaid terms.

JYOTI SINGH, J

AUGUST 27, 2025/Shivam