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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) (COMM) 222/2024 & CM APPL. 57924/2024 –Stay.**
CM APPL. 57927/2024 –Delay 68 days.

**JHARKHAND RENEWABLE ENERGY DEVELOPMENT
AGENCY**Appellant

Through: Mr. Rupesh Singh and Mr. Pankaj
Bhagat, Advs.

versus

MECAMIDI HPP INDIA PRIVATE LIMITED ANR.....Respondents
Through: Mr. Ankur Goel, Adv. for R-1.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

13.01.2025

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1. The present appeal under Section 13 of the Commercial Courts Act, 2015 seeks to assail the order dated 15.03.2024 passed by the learned Single Judge in O.M.P.(MISC.)(COMM.) 218/2024. Vide the impugned order, the learned Single Judge has, by allowing the petition preferred by the respondent/petitioner therein under Section 29 A (4 & 5) of the Arbitration and Conciliation Act (the Act), extended the mandate of the Arbitral Tribunal by one year.
2. The sole submission of learned counsel for the appellant is that the impugned order has been passed without even issuing any notice to the appellant. By drawing our attention to the provisions of section 29 A of the Act, he submits that the learned Single Judge has failed to appreciate that unless the parties file a joint petition seeking extension of time, the period for completion of arbitration proceedings and rendering of the arbitral award could not have been extended without considering the stand of the affected parties after due notice to them.



3. He further submits that in the present case, none of the aforesaid two courses have been adopted by the learned Single Judge, who has proceeded to extend the time without even any notice being issued to the appellant. He, therefore, prays that the impugned order be set aside.
4. Learned counsel for the respondent is not in a position to dispute that the impugned order could not have been passed by the learned Single Judge without issuance of notice to the appellant/respondent.
5. In the light of the aforesaid and taking into account the admitted position that the time for completion of arbitration proceedings and rendering of the arbitral award has been extended by the learned Single Judge, without considering the stand of the appellant, we have no other option but to set aside the impugned order and remand the matter back to the learned Single Judge for fresh consideration of O.M.P.(MISC.)(COMM.) 218/2024.
6. The appeal is, accordingly, allowed by setting aside the impugned order and remanding the matter to the learned Single Judge for fresh adjudication of O.M.P.(MISC.)(COMM.) 218/2024 as per law.
7. List before the concerned Roster Bench dealing with O.M.P.(MISC.)(COMM.) 218/2024 on 03.02.2025, on which date both parties will appear before the learned Single Bench.

REKHA PALLI, J

AJAY DIGPAUL, J

JANUARY 13, 2025/acm