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

+ O.M.P.(MISC.)(COMM.) 830/2025

HERO MOTOCORP LTD

.....Petitioner

Through: Ms. Padamja Sharma, Ms. Unnati
Sadh, Mr. Mukul Nagpal, Advs.

versus

MADHUSUDAN AUTOMOBILES AND ORSRespondents

Through: Mr. Ravi Kapoor, Mr. Rishav
Ambastha, Advs for R-2

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

29.10.2025

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1. The present petition under Section 29A(4) read with 29A(5) of the Arbitration and Conciliation Act, 1996 has been filed by the Petitioner for extending the mandate of the Arbitral Tribunal.

2. Material on record indicates that an Authorized Dealership Agreement dated 06.01.2018 entered into between the Petitioner and the Respondent No.1 wherein Respondent No.1 was appointed as a non-exclusive authorized dealer. Dispute subsequently arose between the parties. Material on record indicates that an Arbitral Tribunal was appointed by this Court on 08.01.2024 in a petition being ARB. P. 733/2023 filed by the Petitioner to adjudicate upon the disputes which arose between the parties. The arbitration proceedings were to be conducted under the aegis of DIAC. By March, 2025, the cross-examination of the Claimant's witnesses had



commenced. After a period of one year, the Respondent No.2 declined to give consent for the extension of the mandate of the Arbitral Tribunal.

3. Respondent No.1 is a firm and Respondent No.2 is being represented in Court today. Respondent No.3 is stated to be proceeded *ex-parte* in the arbitration proceedings, a fact which is not disputed by Respondent No.2.

4. The mandate of the Arbitral Tribunal has expired on 16.08.2025.

5. In view of the fact that Respondent No.2 is a partner in the firm and that the arbitration has proceeded and the Claimants are being examined, it would be expedient, in the interest of justice, to extend the mandate of the Arbitral Tribunal even though the mandate of the Arbitral Tribunal has expired on 16.08.2025.

6. 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.

7. In view of the facts of the present case, this Court is inclined to regularize the period from 16.08.2025 till today and extend the mandate of the Arbitral Tribunal till 31.10.2026, so that the award can be pronounced.

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

SUBRAMONIUM PRASAD, J

OCTOBER 29, 2025

S. Zakir