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

+ O.M.P.(MISC.)(COMM.) 966/2025

M/S COMPETENT CONSTRUCTION CO.Petitioner

Through: *Appearance not given.*

versus

UNION OF INDIARespondent

Through: Mr. R. Mishra, Mr. Himanshu
Chauhan,(GP) Mr. Mukesh Kumar
Tiwari Adv.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

08.12.2025

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1. The present petition under Section 29 A(4) 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 Arbitral Tribunal was constituted by this Court on 15.01.2024. The pleadings were completed on 01.07.2024, and as such, the Award should have been passed by 01.07.2025. Be that as it may, the proceedings continued before the learned Sole Arbitrator by way of mutual extension of mandate by the parties.
3. It is stated that the arbitration proceedings are at the stage of cross examination of the Claimant's witnesses.
4. Without going into the question as to whether there is a formal order by the learned Sole Arbitrator for the mutual extension of mandate or not,



the fact that the parties have continued to appear before the learned Sole Arbitrator, in the opinion of this Court, shows that the parties have given mutual consent for the extension of the mandate.

5. Material on record indicates that the learned Sole Arbitrator was unilaterally appointed by the Respondent to adjudicate upon the disputes between the parties. As such, this Court put a pointed question to the learned Counsel for the Petitioner whether an express waiver as per the proviso to Section 12(5) of the Arbitration Act was given by the Petitioner or not. Learned Counsel for the Petitioner, on instructions, submits that an express waiver was, in fact, given by the Petitioner.

6. It is stated that the arbitration proceedings are at the stage of cross examination of the Claimant's witnesses.

7. In view of the fact that substantial time and money has been spent in the arbitration proceedings, this Court is inclined to extend the mandate of the Arbitral Tribunal till 30.09.2026, so that the Award can be pronounced.

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

SUBRAMONIUM PRASAD, J

DECEMBER 8, 2025

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