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

+ **O.M.P.(MISC.)(COMM.) 985/2024**

ARUN KUMAR

.....Petitioner

Through: Mr. Abhay Singh, Advocate.

versus

THE INDURE PRIVATE LIMITED

.....Respondent

Through: Mr. Varun Gupta and Mr. Ronak Gupta, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

22.01.2025

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1. This Petition under Section 29A(4) of the Arbitration and Conciliation Act, 1996, has been filed by the Petitioner for extending the mandate of the sole arbitrator in the Arbitration proceedings which are going on between the parties.

2. Material on record indicates that the Respondent has issued a Job Order dated 05.10.2015 towards "Refractory Work" inside Bottom Ash Hopper, Singhitarai Thermal Power Project which was accepted by the Petitioner. It is stated that the disputes have arisen between the parties under the said Job Order and the Petitioner has filed a petition under Section 11 of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator to adjudicate upon the disputes which have arisen between the parties. This Court, *vide* Order dated 15.11.2022, has appointed an Arbitrator to adjudicate upon the disputes which have arisen between the parties. It is stated that the pleadings were completed on October 2023. It is also stated that on March 2024, both the parties with mutual consent agreed



to further extend the mandate of the Arbitrator by six months. It is stated the Arbitrator has not proceeded further because an application under Section 19 of the Arbitration and Conciliation Act, 1996 has been filed by the Petitioner.

3. It is stated that the mandate of the Arbitrator has expired on 22.09.2024. The present Petition has been filed seeking extension of mandate of the Arbitrator.

4. Notice in the Petition was issued on 20.12.2024. Mr. Varun Gupta, learned Counsel appears on behalf of Respondent. Learned Counsel for the Respondent states that he has no objection, if the present application for extension of mandate is allowed.

5. 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.

6. Accordingly, this Court is inclined to extend the mandate of the Arbitral Tribunal for a further period of one year from today, i.e. till 31.01.2026 so that the award can be pronounced and no further extension of time would be required by the Tribunal. Further, the period from 22.09.2024 till today is regularized.

7. The Petition is disposed of, along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

JANUARY 22, 2025

RJ