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

+ O.M.P.(MISC.)(COMM.) 1009/2024

M/S KULDEEP KUMAR CONTRACTORPetitioner

Through: *Appearance not given.*

versus

HINDUSTAN PREFAB LTDRespondent

Through: Mr. Varun Nischal, Adv and Ms.
Saira Tagra, Adv

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

24.01.2025

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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 this Court *vide* Order dated 24.02.2023 in ARB. P.1146/2022, appointed Mr. Justice T. S. Thakur (Retd.), as the Arbitrator, to adjudicate upon the disputes between the parties. It is stated that the pleadings were completed 29.05.2023. It is stated that the period of one year as prescribed under Section 29(A) of the Arbitration and Conciliation Act, 1996 has expired on 29.05.2024. Though, the parties have not specifically given their consent for extension of mandate of the Arbitrator, however, the arbitration has continued and thereby, both the learned Counsels for the parties agree that they had agreed for extension of mandate for the said period of six months.



3. Notice in the petition was issued on 09.01.2025.
4. Mr. Varun Nischal, learned Counsel appears on behalf of the Respondent. He states that he has no objection to the extension of mandate of the Arbitrator.
5. It is stated that the mandate of the Tribunal expired on 29.05.2024. The present Petition has, therefore, been filed seeking extension of mandate of the Arbitral Tribunal.
6. It is stated by the learned Counsel for the Petitioner that the arbitration is still at a preliminary stage, therefore, the mandate of the Arbitrator be extended.
7. 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.
8. Accordingly, this Court is inclined to extend the mandate of the Arbitral Tribunal for a further period of one year, i.e. till 31.12.2025, so that the award can be pronounced and no further extension of time would be required by the Tribunal.
9. The Petition is disposed of, along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

JANUARY 24, 2025

RJ