



\$~29

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

+ **O.M.P.(MISC.)(COMM.) 1014/2024**

TRANSSTROY DINDIGUL-THENI KUMAIL TOLLWAYS PVT LTDPetitioner

Through: Ms. Bina Gupta, Ms. Sheena Taqui
Ms. Akansha Saini and Mr. Shiv
Gupta, Advocates

versus

NATIONAL HIGH WAY AUTHORITY IF INDIARespondent

Through: Ms. Anushka Nayyar, Advocate

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **07.01.2025**

I.A. 49703/2024 (Exemption)

Allowed, subject to all just exceptions.

O.M.P.(MISC.)(COMM.) 1014/2024

1. This is a petition under Section 29A (4) & (5) of the Arbitration & Conciliation Act, 1996 seeking extension of mandate of the Arbitral Tribunal for making the arbitral award.
2. Material on record indicates that disputes arose between the parties under the Concession Agreement dated 12.07.2010. It is stated that since disputes arose between the parties due to the breaches as committed by the Respondent, arbitration proceedings were initiated by the Petitioner. It is stated that an Arbitrator was appointed by this Court to adjudicate upon the



disputes between the parties. It is stated that pleading were completed on 09.06.2022. It is stated that the proceedings are at the stage of examination of the witnesses.

3. It is stated that since mandate of the Arbitral Tribunal for making the award has come to an end on 09.12.2024, the Petitioner has approached this Court for extension of time for making the award. It is stated by the learned Counsel for the Petitioner that additional time of at least 12 months would be required for making the Arbitral Award.

4. 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.

5. In view of the fact that the learned Arbitrator is proceeding ahead with the case and the matter is at the stage of examination of the witnesses, this Court is inclined to extend the mandate of the Arbitral Tribunal for a period of one year from 09.12.2024 so that the Award can be pronounced and no further extension of time would be required by the Tribunal.

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

SUBRAMONIUM PRASAD, J

JANUARY 07, 2025

hsk