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

+ **O.M.P.(MISC.)(COMM.) 43/2025**

COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH

.....Petitioner

Through: Mr. Abhinav Hansaria, Mr. Saahil
Bahety, Advocates

versus

VIRTUAL WIRE TECHNOLOGIES PVT. LTD.Respondent

Through: Ms. Mamta Tiwari, Ms. Swati Sinha,
Advocates

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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16.01.2025

I.A. 1127/2025

Allowed, subject to all just exceptions.

O.M.P.(MISC.)(COMM.) 43/2025

1. This Petition under Section 29A(4) and 29A(5) of the Arbitration and Conciliation Act, 1996, read with Section 7 of the Commercial Courts Act, 2015, has been filed by the Petitioner for extending the mandate of the Arbitral Tribunal in the Arbitration proceedings which are going on between the parties.

2. Material on record indicates that this Court *vide* Order dated 17.01.2023 in O.M.P (T) COMM No.52/2019, appointed a sole Arbitrator to adjudicate upon the disputes between the parties.

3. It is stated that the mandate of the Arbitral Tribunal was extended from time to time and the last such extension was granted on 10.04.2024 by which the mandate of the Arbitral Tribunal was extended till 20.12.2024. The present Petition has been filed seeking extension of mandate of the

O.M.P.(MISC.)(COMM.) 43/2025

Page 1 of 2



Arbitral Tribunal.

4. It is stated by the learned Counsel for the Petitioner that cross-examination of RW-1 has been concluded and the next date of hearing before the Arbitrator is 14.01.2025 for evidence of RW-2 and, therefore, the mandate of the Arbitrator be extended.

5. It is stated by the learned Counsel for the Respondent that there are certain allegations on the conduct of the Respondent in the pleadings and therefore, that portion be eschewed.

6. The portion in the petition containing allegations on the conduct of the Respondent is eschewed from the pleadings.

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. from 20.12.2024, 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 16, 2025

RJ