2026:HHC:50189

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

Arb. Case No. 244/2026
Decided on: 19.11.2026

SJVN Limited .....Petitioner

Versus

M/s Siemens Gamesa Renewables Pvt. Ltd. ....Respondent

Coram:

The Hon'ble Mr. Justice Romesh Verma, Judge.

Whether approved for reporting?[1]

For the Petitioner: Ms. Shradha Karol, Advocate.

For the Respondent: Mr. S. K. Srivastav, Mr. Anuj Gupta & Mr. Hitanshu Jai, Advocates.

Romesh Verma, Judge (oral)

The present petition has been filed by the petitioner under the provisions of Section 29A (4) and (5) of the Arbitration and Conciliation Act, 1996, seeking extension of time for the learned Arbitral Tribunal to make and publish the arbitral award after the expiry of its mandate.

2 It is the case of the petitioner that the proceedings between the parties are being conducted before the Arbitral Tribunal consisting of Mr. D.K. Sharma, FIE, Presiding

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[1]Whether reporters of the local papers may be allowed to see the judgment? Yes.

Arbitrator; Hon'ble Mr. Justice Deepak Verma (Retd.), Former Judge, Supreme Court of India, Co-Arbitrator; and Hon'ble Mr. Justice Madan B. Lokur (Retd.), Former Judge, Supreme Court of India. The mandate of the learned Arbitral Tribunal was earlier extended by this Court on 27th September, 2024, whereby it was directed that the arbitration proceedings shall be concluded within a period of one year commencing from that date upto 26th September, 2025. The second extension was granted by this Court on 5th March, 2026, in Arbitration Case No. 396/2025, whereby the mandate of the learned Arbitral Tribunal was extended upto 25th September, 2026.

3 According to the petitioner, the proceedings in the matter stand concluded in its entirety and only the final award was to be passed by the learned Arbitral Tribunal. However on 18th September, 2026, the learned Arbitral Tribunal has informed that although the proceedings in the matter are over, the award is yet to be made. Therefore, the learned Arbitral Tribunal requested that its mandate may be extended by a period of one month and a copy of the letter has been appended along with the present petition as Annexure A-7.

4 Therefore, under such circumstances, it has been prayed that the mandate of the learned Arbitral Tribunal may be extended for a further period of one month from 26th

September, 2026 till 25th October, 2026, or for such further period as this Court may deem fit. Further, it has been prayed that direction be issued to declare that the proceedings conducted thus far shall remain valid and binding notwithstanding expiry of the earlier mandate.

5 The matter was listed before this court on 3rd November, 2026, and on the said date, this Court was informed that after the institution of the present petition, the learned Arbitral Tribunal has passed the final award on 22nd October, 2026.

6 It is also an admitted position that the instant application has been filed on 1st October, 2026, whereas the Arbitral Tribunal has passed the final award later on i.e. 22nd October, 2026.

7 Mr. S.K. Shrivastav, Advocate, along with Mr. Anuj Gupta and Mr. Hitanshu Jain, Advocates, appearing for the respondent, on instructions, has fairly conceded that he has no objection in case the present petition is allowed.

8 The learned counsel for the petitioner has submitted that though the final award has been passed by the learned Arbitral Tribunal on 22nd October, 2026, even then, in view of the mandate as laid down by the Hon'ble Apex Court in ***Civil Appeal No. 9313/2026, titled as South Bihar Power***

Distribution Company Limited vs. India Power Corporation Limited, an application under Section 29A(5) for extension of the mandate of the Arbitrator would be maintainable even after the expiry of the time under Section 29A, sub-section (1) and sub-section (3) of the Arbitration and Conciliation Act, and even after rendering of an award during that time. The relevant para of the aforesaid judgment reads as under:-

> *"42.1. Based on the above analysis, this Court opined that provisions of the 1996 Act, particularly Section 29A, must not be interpreted to infer a threshold bar for an application under Section 29A(5) for extension of the mandate of the arbitrator even when an award is passed though after expiry of the mandate. Therefore, this Court answered the question framed by holding that an application under Section 29A(5) for extension of the mandate of the arbitrator would be maintainable even after the expiry of the time under Sections 29A(1) and (3) and even after rendering of an award during that time. If the mandate is extended, the arbitral tribunal will pick up the thread from where it was left and seamlessly continue the proceedings from the stage at which the mandate had expired and conclude the arbitration within the time granted."*

9 To the similar extent, the learned counsel has relied upon the judgment of the Hon'ble Apex Court ***in Jagdeep Chowgule vs. Sheela Chowgule and Others, 2026 (5) Supreme Court Cases 667***, wherein it was held as under:-

"21.6 There is no statutorily prescribed time limit for the Court to exercise its power under Section 29A(4) for extending the period, except for its own restraint. The Court can exercise the power before or after the expiry of the period under sub-Sections 29A(1)). Further, there is no prescription of outer limit for extending time for conclusion of arbitral proceedings. Given this power, Court will exercise it with circumspection, balancing the remedy with rights of other stake holders.

21.7 The power of the Court to extend the time under sub-Section (4) may be exercised on an application by any of the parties. Once such an application for extension of time is pending, the mandate of the arbitrator shall continue till the disposal of such application under sub-Section (9). The Court shall also endeavour to dispose of such an application within 60 days.

21.8 Under Section 29A(6), while exercising the power of extension, it shall be open to the Court to substitute one or all the arbitrators. This is a discretionary power that the Court would exercise in the facts and circumstances of the case. Upon substitution, the reconstituted tribunal shall be deemed to be in continuation of the previously appointed tribunal as per Section 29A(7) and shall continue from the stage already reached and on the basis of evidence already on record. The newly appointed arbitrators shall be deemed to have received the evidence and materials."

10 In view of the exposition of law as laid down by the Hon'ble Apex Court and in view of the no objection on behalf of the learned counsel for the respondent for the instant petition

being allowed, after considering the attending facts and circumstance of the instant case, prayer, as made in the application, is allowed and the time is extended to enable the Arbitral Tribunal to make and publish the award on or before 19th January, 2027.

11 The petition stands allowed in the aforesaid terms.

(Romesh Verma)
Judge

19.11.2026
(pankaj)