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

+ **O.M.P.(MISC.)(COMM.) 970/2025**

VANDANA AGRAWAL & ORS.

.....Petitioners

Through: Mr. Shohit Chaudhry, Adv.

versus

FAM BHAGAT INFRATECH (P) LTD.

.....Respondent

Through: Mr. Amique Khalid & Mr. Shamshad Siddiqui, Adv.

CORAM:

HON'BLE MR. JUSTICE AVNEESH JHINGAN

ORDER

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10.02.2026

1. This petition is filed under Section 29A of the Arbitration & Conciliation Act, 1996 (for short 'A&C Act') seeking extension of period for concluding the arbitration proceedings.
2. The brief facts are that the parties to the lis entered into a Builders Agreement dated 23.08.2011 for developing the property specified in the Builders Agreement.
3. To resolve the dispute between the parties, arbitration was provided for in the contract. The petitioners raised a claim and ultimately the Arbitrator was appointed under Section 11 of the A&C Act by this court on 11.05.2021. On 18.09.2023, the petitioners stated before the Arbitrator that a petition would be filed for extension of the mandate. The present petition was filed in November, 2025 seeking extension of the mandate by six months.



4. Learned counsel for the petitioner submits that the filing of the petition was delayed due to the conduct of the counsel who assured the filing of the petition but failed to do so.

5. Learned counsel for the respondent opposes the prayer contending that there is a delay of two years in filing the petition as the statement was made before the Arbitrator in September, 2023. It is submitted that no sufficient cause has been pleaded in the petition to explain the delay.

6. The whatsapp messages and communications exchanged with the counsel are annexed with the petition. The claimants are family members and during the pendency of the arbitration proceedings three claimants out of five died and the LRs were brought on record. The proceedings were being looked after by Sh. Alok Agrawal who passed away. The LRs continued with the counsel engaged by Sh. Alok Agrawal. The learned counsel was instructed to file a petition for extension of the mandate but despite repeated assurances the petition was not filed. Learned counsel stopped attending calls and messages sent by the petitioners and the present petition was filed after engaging a new counsel. The law is well settled that the parties should not be made to suffer for the lapses or conduct of the counsel. Reference in this regard can be made to the decision of the Supreme Court in ***State of Punjab v. Rafiq Masih (2015) 4 SCC 334***.

7. It would not be out of place to mention that no limitation is prescribed under Section 29A of the A&C Act for filing the petition. The period between the statement made before the Arbitrator and the filing of the application has been sufficiently explained.

8. In view of the above and considering that the technicality when treated with substantial justice the latter should prevail, the mandate is



extended by six months from today. The intervening period is regularized.

9. The petition is disposed of in the aforesaid terms.

AVNEESH JHINGAN, J

FEBRUARY 10, 2026

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