

\$~A-27

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

%

Date of decision: 10.02.2020

+ O.M.P.(MISC.)(COMM.) 57/2020

MBL INFRASTRUCTURES LTD.

..... Petitioner

Through: Ms. Anusuya Salwan & Ms. Nikita
Salwan, Advocates

versus

BITES LIMITED

..... Respondent

Through: Mr. G.S. Chaturvedi & Mr. S.
Chaturvedi, Advocates

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

I.A. 1869/2020

Exemption allowed subject to all just exceptions.

Application stands disposed of.

O.M.P.(MISC.)(COMM.) 57/2020

1. This is a petition under Section 29A(5) of the Arbitration and Conciliation Act, 1996 ('Act') seeking extension of time for completion of arbitral proceedings and passing of Award.
2. Arbitral Tribunal entered upon reference on 14.03.2018. Statutory period of twelve months under Section 29A(1) of the Act expired on 13.03.2019. With the consent of the parties, by an order dated 22.05.2019, Tribunal extended the time by a period of six months which expired on 13.09.2019.
3. Thereafter, the parties had approached this Court for extension of time

and vide order dated 06.09.2019 in OMP (MISC)(COMM) 359/2019, time was extended by a further period of one year from 13.09.2019 to make and publish the Award. The said period is expiring on 12.09.2020.

4. The present petition has been filed by the petitioner under an impression that the Arbitration & Conciliation (Amendment) Act, 2019 which was notified on 30.08.2019 would apply to the present arbitration proceedings. If the Notification is to apply then the period of one year for passing of the Award would reckon from 14.08.2018 when the pleadings were completed. In such an event, the time for passing of the Award has expired on 13.08.2019.

5. Issue notice.

6. Mr. G.S. Chaturvedi, Advocate enters appearance and accepts notice on behalf of the respondent. He submits, on instructions from the respondent, that the respondent has already given consent for extension of time and approach this Court which is recorded in the order of the Tribunal dated 24.01.2020.

7. I have heard the learned counsels for the parties and perused the Notification dated 30.08.2019. It is evident from a bare perusal of the Notification that it does not have a retrospective effect. In the present case, the statutory period of 12 months under the unamended Section 29A of the Act expired on 13.03.2019 since under the unamended provision, period of 12 months was to reckon from the date the Arbitral Tribunal entered upon reference. Thereafter, subsequent extensions were given either by the Tribunal or by this Court. In my view, therefore, the Notification will not apply to the facts of the present case and the extension granted by this Court vide order dated 06.09.2019 would be valid.

8. Vide order dated 06.09.2019, this Court has already extended the period for completion of the proceedings and passing of the Award upto 12.09.2020 and no further orders are required to be passed.

9. At this stage, however, learned counsels for the parties jointly submit that final arguments have commenced in the matter and the matter being technical and record being voluminous, a further extension of three months would be required from 12.09.2020.

10. In my view, this prayer is premature as the time is extended upto 12.09.2020. Needless to state, if the parties require any further extension beyond 12.09.2020, they would be at liberty to take recourse to appropriate remedy available under law.

11. The petition is disposed of in the above terms.

FEBRUARY 10, 2020

rd/

JYOTI SINGH, J

न्यायमेव जयते