

(2025) 06 DEL CK 0588

In the Delhi High Court

Case No : O.M.P.(MISC.)(COMM.) No. 469 Of 2025

GMR Pochanpalli Expressways Limited

APPELLANT

Vs

National Highways Authority Of India

RESPONDENT

Date of Decision : 09-06-2025

Acts Referred:

Arbitration and Conciliation Act, 1996 — Section 11(6), 29A(5)

Citation : (2025) 06 DEL CK 0588

Hon'ble Judges : Tejas Karia, J

Bench : Single Bench

Advocate : Anil Kumar Kathuria, Sneha Ojha, Muskaan Gupta

Final Decision : Allowed

Judgement

Tejas Karia, J

1. This Application is filed on behalf of the Petitioner under Section 29A(5) of Arbitration and Conciliation Act, 1996 ('Act') seeking extension of mandate of learned Arbitral Tribunal by a period of 12 (twelve) months.

2. Disputes having arisen between the parties, the Petitioner, on 05.05.2023, invoked arbitration by appointing its nominee Arbitrator. On 30.06.2023, the Respondent appointed its nominee Arbitrator. Due to inability of both the nominee Arbitrators to agree on the Presiding Arbitrator, this Court vide order dated 26.09.2023 passed under Section 11(6) of the Act appointed the Presiding Arbitrator.

3. The learned Arbitral Tribunal was constituted on 06.10.2023 and the first hearing was scheduled on 01.11.2023. Both the parties completed the pleadings on 30.04.2024 within the time granted by the learned Arbitral Tribunal. The learned Arbitral Tribunal fixed the date for final hearing between 30.07.2024 and 03.08.2024.

4. On 30.07.2024, the learned Arbitral Tribunal was apprised that the outcome of

the pending FAO(OS)(COMM) No.170/2022 and FAO(OS)(COMM) No.171/2022 before this Court will have a bearing on the outcome of the present proceedings. In view of the pendency of the appeals, the arbitration proceedings were adjourned. On 23.09.2024, the learned Arbitral Tribunal further adjourned the matter given that the appeals were still pending before this Court.

5. On 30.11.2024, both the parties gave consent to extend the mandate of the learned Arbitral Tribunal by 6 (six) months with effect from 30.11.2024. On 14.02.2025, both parties requested the learned Arbitral Tribunal to list the matter for final hearing as the appeals were still pending before this Court. Accordingly, the final hearing was fixed on 25.04.2025 and 01.05.2025.

6. On 25.04.2025, the learned Arbitral Tribunal was requested to adjourn the hearing for at least 3 (three) months as both the parties were exploring the possibility to settle all disputes through the conciliation proceedings. Accordingly, the learned Arbitral Tribunal has fixed the next date of hearing on 15.07.2025.

7. The mandate of the learned Arbitral Tribunal under the Act expired on 30.05.2025. Accordingly, the Petitioner has prayed for the extension of time for 12 (twelve) months for making the Award.

8. Issue notice. The learned counsel for the Respondent appearing on advance service accepts notice and submits that the Respondent has no objection for extension of time as sought by the Petitioner for passing the Award. She further submits that the matter is pending before the conciliation committee of NHA (Respondent), which will take some time.

9. Considering that the present arbitration proceedings are at the stage of final arguments and the parties are considering the settlement, at joint request of the parties, the mandate of the learned Arbitral Tribunal is hereby extended for a period of 12 (twelve) months with effect from 10.06.2025 and the period between 30.05.2025 and 10.06.2025 is hereby regularised.

10. Accordingly, the present Application stands allowed in the aforesaid terms.