

(2023) 05 SHI CK 0069

In the High Court Of Himachal Pradesh

Case No : Arbitration Case No. 43 Of 2023

Himachal Pradesh Power Corporation Limited

APPELLANT

Vs

M/S Hindustan Construction Co. Ltd

RESPONDENT

Date of Decision : 16-05-2023

Acts Referred:

Citation : (2023) 05 SHI CK 0069

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : J.S. Bhogal, Suneet Goel, Bhupender Gupta, Janesh Gupta

Final Decision : Dismissed

Judgement

Sandeep Sharma, J

1. By way of instant application filed under S.29 of the Arbitration and Conciliation Act, 1996, as amended upto-date, prayer has been made on behalf of the petitioner for extension of time to complete arbitral proceedings.
2. While placing on record, copy of order dated 2.5.2023 passed by High Court of Delhi, learned counsel for the respondent states that since similar prayer for extension of time made by the respondent has been already allowed by Delhi High Court, as such, present petition has been rendered infructuous.
3. Mr. Bhogal, learned senior counsel for the petitioner, while fairly admitting the factum with regard to passing of order dated 2.5.2023 by High Court of Delhi at New Delhi in OMP (Misc.) (Comm) 43//2023 titled Hindustan Construction Co. Ltd. v. Himachal Pradesh Power Corporation Limited, states that though time has been extended by High Court of Delhi but since aforesaid order is per incuriam being totally contradictory to the law laid down by Hon'ble Apex Court, this Court may dispose of the present petition at this stage, reserving liberty to the petitioner to raise issue of jurisdiction in appropriate proceedings.
4. Learned counsel for the respondent is not averse to the aforesaid prayer.

In view of above, present petition is dismissed as infructuous, with liberty as sought.