

(2020) 03 DEL CK 0114

In the Delhi High Court

Case No : Original Miscellaneous Petition (MISC.)(COMM.) No. 87 Of 2020

M/S. B. N. Enterprises

APPELLANT

Vs

M/S. Blendz Foods Private Limited .

RESPONDENT

Date of Decision : 03-03-2020

Acts Referred:

Arbitration and Conciliation Act, 1996 — Section 17, 29A(5)

Citation : (2020) 03 DEL CK 0114

Hon'ble Judges : Jyoti Singh, J

Bench : Single Bench

Advocate : Shikhar Shrivastava

Final Decision : Allowed

Judgement

Jyoti Singh, J

I.A. 3014/2020 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

O.M.P.(MISC.)(COMM.) 87/2020

1. This is an application filed under Section 29A(5) of the Arbitration and Conciliation Act, 1996 (â??Actâ??) seeking extension of time for completion of the arbitral proceedings and passing of the Award.

2. Pursuant to a Collaboration Agreement between the parties containing an Arbitration Clause and disputes having arisen between them, Arbitral

Tribunal was constituted. The first procedural hearing before the Arbitral Tribunal took place on 20.12.2018, but the respondent did not appear.

Thereafter, on 20.02.2019 the respondent appeared before the Arbitral Tribunal and was directed to file its Statement of Defence.

3. On 20.04.2019, the matter was listed for arguments on the application under Section 17 of the Act, however, an adjournment was sought by

respondent. On 20.09.2019 also the respondent was not present and hence the Tribunal issued notices to the respondent and its counsel. Due to non-

appearance of the respondent on 13.11.2019, respondent was proceeded ex parte and the matter was fixed for claimant's evidence on

12.12.2019. Vide order dated 12.12.2019, the Arbitrator observed that the statutory period of twelve months has expired and requested the petitioner

to seek extension of time.

4. Since the respondent has been proceeded ex parte, there is no requirement of issuing notice of the present application to the respondent.

5. Learned counsel for the petitioner seeks a period of six months with effect from today for completion of the proceedings and passing of the award.

6. Application is accordingly allowed. The period for completion of the proceedings and passing of the Award is extended by a period of six months

w.e.f. 03.03.2020. The period between 01.12.2019 and 02.03.2020 is hereby regularized.

7. The application is allowed in the aforesaid terms. Dasti.