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**(2021) 11 DEL CK 0112**

**In the Delhi High Court**

**Case No :** Original Miscellaneous Petition (MISC.)(COMM.) No. 168 Of 2021

M/S PNC-TRG (JV)

APPELLANT

Vs

National Highways Authority Of India

RESPONDENT

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**Date of Decision :** 17-11-2021

**Acts Referred:**

Arbitration And Conciliation Act, 1996 — Section 29A(4), 29A(5)

**Citation :** (2021) 11 DEL CK 0112

**Hon'ble Judges :** Suresh Kumar Kait, J

**Bench :** Single Bench

**Advocate :** Dharmender Rautray, Tara Shahani, Vikas Kumar

**Final Decision :** Disposed Of

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## Judgement

Suresh Kumar Kait, J

IA No. 15014/2021 (exemption)

1. Allowed, subject to all just exceptions.

2. Application is disposed of.

O.M.P.(MISC.)(COMM.) 168/2021

3. The present petition under Sections 29 A(4) & (5) of the Arbitration and Conciliation Act, 1996 has been filed seeking extension of mandate of the arbitral tribunal adjudicating the disputes between the parties.

4. Pertinently, Petitioner, PNC-TRG (JV), a Joint Venture between M/s. PNC Infratech Ltd. (formerly known as M/S PNC Construction Co. Ltd) and respondent- National Highways Authority of India (NHAI) with regard to O.M.P. (MISC.)(COMM.) 168/2021 certain disputes arising out of a contract dated 19.9.2007, for the work of four laning of Km 51.00 to Km. 61.00 (including Chambal Bridge) on Dholpur-Morena Section of NH-3 on North-South corridor in the States of Rajasthan / Madhya Pradesh (Contract package No. NS-1/RJ-MP/1),

had entered into an arbitration. The Arbitral Tribunal was held on 24.10.2018 (with Corrigendum dated 26.10.2018).

5. As per averments made in Para-5(xviii) till (xx), the reasons for delay in arbitral proceedings due to Covid pandemic have been cited. Further in Para-5 (xxi) it is further averred that after demise Mr. J.C. Shah, Presiding Arbitrator, in July, 2020, Mr. S.C. Gupta, former General Manager NTPC was appointed as the Substitute Presiding Arbitrator and the Arbitral Tribunal further proceeded in the matter.

6. At the hearing, learned counsel for petitioner has submitted that total 47 meetings have taken place before the Arbitral Tribunal, however, prolongation of proceedings is beyond the control and therefore, prays that the mandate of Arbitral Tribunal be extended till 28.2.2022.

7. Notice issued.

8. Mr. Vikas Kumar, Advocate, learned Counsel appearing on behalf of respondent, accepts notice and submits that there is no objection if the time for making the award is extended.

9. In view of the aforesaid, the mandate and time of the Arbitral Tribunal for conclusion of proceedings, preparing and pronouncing the Award is extended upto 28.02.2022.

10. With aforesaid directions, the present petition is accordingly disposed of.