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

+ ARB.P. 882/2022

**SS STEEL FABRICATORS AND CONTRACTORS**

..... Petitioner  
Through: Mr. Bhuvneshwar Tyagi, Ms. Shaiza  
Gyaspuri, Advocates  
versus

**NARSING DECOR** ..... Respondent  
Through: Mr. Anand Duggal, Advocate

**CORAM:  
HON'BLE MR. JUSTICE MANOJ JAIN**

**ORDER**

**19.06.2024**

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**I.A. 31747/2024 ( Filed by Respondent Narsingh Décor)**

1. The counter-claimant Narsingh Decor has moved the instant application under Section 29A of the Arbitration & Conciliation Act, 1996 r/w Section 151 CPC praying therein that the period for the conclusion of arbitration proceeding may be extended.
2. Attention of the Court has been drawn towards various facts of the case and also about the relevant dates.
3. The claim had been filed before the learned Arbitral Tribunal by M/s SS Steel Fabricators & Contractors but fact remains that such claim has already been terminated on 10.05.2023. The petitioner had, however, raised a counter-claim and even with respect to such counter-claim filed by Narsingh Décor, petitioner M/s SS Steel Fabricators & Contractors has been



proceeded against *ex parte*.

4. It is informed that the pleadings with respect to counter-claim were completed on 15.03.2023 and the counter-claimant i.e. applicant is pursuing the matter before the learned Arbitral Tribunal with due diligence and there was never any intention to delay the matter.

5. It is contended that since the matter is being proceeded *ex parte*, the applicant herein had to even bear the fee expenses which were otherwise to be incurred by the other party i.e. claimant.

6. In the application, the details of various dates have been given indicating the stage-wise progress of the arbitration proceedings. Counter-claimant examined three witnesses and the final arguments have also been advanced on 03.05.2024 and it is informed that the award is likely to be pronounced on 20.06.2024 i.e. tomorrow.

7. It is, therefore, prayed that the period may be suitably extended.

8. There is nothing on record which may suggest that there is any deliberate attempt to delay the proceedings. It is contended that delay has taken place due to utter non-cooperation shown by the claimant who did not appear despite service of several notices.

9. Admittedly, the proceedings should have been concluded within 12 months of completion of pleadings in counter-claim and, apparently, there is delay.

10. In *M/S Power Mech Projects Ltd Vs M/S Doosan Power Systems India Pvt. Ltd.*, 2024 LiveLaw (Del) 654, it has been held that the expression used in Section 29A(4) of the Arbitration and Conciliation Act is “*prior to or after expiry of the period so specified*” and, therefore, the court is fully empowered to extend the mandate, even after expiry of the mandate of the



tribunal.

11. Be that as it may, considering the detailed reasons mentioned in the application and keeping in mind the overall facts and circumstances of the case, the mandate of the Arbitral Tribunal is hereby enlarged and extended till 30.06.2024.

12. Application stands disposed of accordingly.

**MANOJ JAIN, J  
(VACATION JUDGE)**

**JUNE 19, 2024/dr**